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FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
39th meeting
held on
Monday, 22 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. KUKAN (Slovakia)

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EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT AIR DISASTER IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

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31 January 1994
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93-82582 (E)

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/48/40, A/48/44 and Add.1, A/48/280, A/48/471, A/48/507, A/48/508 and Corr.1, A/48/520, A/48/556 and A/48/560)

1. Mr. RATA (New Zealand) said that the protection of human rights was one of the most demanding challenges of the Charter of the United Nations. Human rights were the foundation of freedom, justice and peace, and universal respect for human rights was a prerequisite for broader security.

2. The response of the United Nations to that challenge was impressive. It had developed a comprehensive body of international human rights law and established the necessary mechanisms for promoting human rights and ensuring that they were respected. The importance of the instruments drafted by the United Nations had been underlined by the appreciable increase in the number of States which had ratified them; of course, the goal remained universal ratification.

3. The World Conference on Human Rights in Vienna had reaffirmed the universality of human rights and the continuing validity of the body of international human rights instruments. It had called for a concerted effort to encourage and facilitate the ratification of the human rights instruments and had requested States to try not to lodge reservations. New Zealand welcomed those recommendations and believed that the Vienna Declaration and Programme of Action provided a concrete platform for the continuation of the collective efforts in the area of human rights. It had been the first country to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and had recently ratified the Convention on the Rights of the Child; it valued its regular dialogue with the various bodies established pursuant to international human rights instruments. In 1994 New Zealand was to submit its second periodic report under the Convention on the Elimination of All Forms of Discrimination against Women and, in a week's time in Geneva, its initial report to the Committee on Economic, Social and Cultural Rights.

4. New Zealand also intended to play its part in the areas which had not yet been codified. It had participated in the preparation of the draft declaration on the elimination of violence against women, which it saw as a practical measure to put an end to a fundamental violation of the human rights of women, and looked forward to joining in the consensus which the text ought to enjoy. It had taken an active part in the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities in the drafting of a declaration on the protection of the rights of indigenous populations which the Subcommission was to consider at its next session. New Zealand commended the Working Group for its efforts and looked forward to the results of the next round of consultations on the draft declaration.

(Mr. Rata, New Zealand)

5. Since the standard-setting work was largely accomplished, the United Nations and its Member States should now focus on the implementation of the existing instruments. United Nations organs must endeavour, as requested in the Vienna Declaration, to strengthen, rationalize and streamline their human rights activities, for although the United Nations human rights programme was comprehensive, it was still haphazard and uncoordinated. It was time to reshape the programme in order to streamline the reporting system and improve the functioning of the international treaty bodies. New Zealand was disappointed that the World Conference had not made specific proposals in that regard. However, the issue was a complex one and must therefore be approached in a measured way.

6. Some concrete steps had already been taken. The General Assembly had approved amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to allow the committees which monitored their implementation to be funded from the United Nations regular budget. New Zealand had ratified the amendments and urged the other States parties to do likewise, so that they could enter into force. In the meantime, the States parties must continue to pay their assessed contributions or arrears, so that the two committees could continue to function. The independent expert Mr. Philip Alston and the chairmen of the international human rights treaty bodies had offered some thoughtful comments on means of rationalizing the reporting procedures. Their comments and recommendations deserved careful study, followed by appropriate action by the General Assembly.

7. Special attention should be given to the recommendation of the World Conference that the questions of the equal status of women and women's human rights should be incorporated into the main stream of United Nations activities. The treaty bodies should also take greater account of them in their activities.

8. New Zealand also attached great importance to strengthening the mechanisms established by the United Nations to promote education about human rights and strengthen their protection. The United Nations advisory and technical assistance services played an important role in that respect by giving States guidance in establishing the necessary infrastructure.

9. The Vienna Declaration recommended that the Centre for Human Rights should assume a larger role in the promotion of human rights. In order to do that, the Centre must have the necessary financial and human resources. As the Secretary-General had stated in the clearest terms, the Centre could not meet the demands of Member States without an adequate resource base. It was therefore vital for its resources to be increased.

10. Mr. MOTOC (Romania) said that the international community now had a comprehensive human rights legislative framework which should enable it finally to overcome the divisions which had long prevailed in an area which was of vital concern for peoples all over the world.

(Mr. Motoc, Romania)

11. The ratification of the international human rights treaties was in an upward trend, and 172 States were already parties to one or more of the seven principal instruments which were provided with supervisory organs. Romania was itself a party to the two international covenants and to all the other basic United Nations human rights treaties. An excessive proliferation of treaties must be avoided, for it might cause duplication and overlapping; the emphasis instead should be on standard-setting in new areas which needed to be considered at the regional or international level. An effort should be made to find new means, including new technologies, of improving the implementation of the existing treaties and enhancing the national and international effectiveness of the machinery for protection of human rights.

12. At the international level, new and commendable initiatives had been taken by the various components of the United Nations human rights machinery, whether they were designed to improve the methods of preparing reports, to overcome the backlog in considering them or to alleviate the burden imposed by State party reservations. Of particular value, in Romania's view, was the practice, following the consideration of country reports, of formulating concluding observations and recommendations concerning the legislative and other measures to be taken by States in order to enhance the exercise of human rights in their territories. Romania also deemed the general comments which the Human Rights Committee and other treaty bodies had been drafting for some time to be of remarkable value. The biennial meetings of persons chairing the human rights treaty bodies were also highly beneficial. They constituted a first step towards greater coordination, effectiveness and streamlining of United Nations structures and their functioning. Romania believed that the process of reform under way within the United Nations system could take a more concrete form through the establishment of a United Nations High Commissioner for Human Rights.

13. In the final analysis, the implementation of human rights treaties depended on the political will of States to ensure respect for them. It must be admitted that, after 50 years of campaigning for human rights, the best method of protecting them consisted of the adoption of legislation adapted to international norms and the constitutional provisions of a country and accompanied by judicial guarantees; the establishment of credible institutions; the initiation of a dialogue with qualified local and international non-governmental organizations; and the expansion of communication with competent international bodies, especially those entrusted with monitoring functions.

14. In the past four years, Romania had remodelled its legislation to bring it into line with the relevant international and European norms, and had revised its Constitution to take into account the primacy of international law over domestic law. Furthermore, it had established a Constitutional Court and had appointed an Ombudsman, as provided for in the Constitution; all those measures were mentioned in the third periodic report which Romania had recently submitted to the Human Rights Committee. Romania acknowledged that much remained to be done to ensure the full enjoyment of all rights in its territory. With regard to the criticism to which Romania had recently been subjected for its alleged

(Mr. Motoc, Romania)

unfair treatment of ethnic minorities, his delegation wished to make it clear that such practices did not have the backing of the Romanian Government, but were simply the result of negative interactions among various members of society. The Government had taken strong steps to create a social climate in which those types of practices would be eliminated. The Constitution protected the rights and the cultural, linguistic and religious identity of persons belonging to minorities; a Council on National Minorities had been set up to promote dialogue between those groups and the Government, which was currently considering a bill on the protection of national minorities; lastly, avenues were open to minorities for participation in every aspect of public life. The strengthening of the rule of law and democratic institutions and the protection of human rights and fundamental freedoms should also help to normalize the situation in that regard. In attaching the utmost importance to constructive approaches and dialogue, Romania was basing its efforts on the standards embodied in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the Vienna Declaration. Its admission to the Council of Europe and ties with the European Union should also help it to adopt approaches consistent with regional stability and security.

15. Mr. DEKANY (Hungary) noted with satisfaction that, in adopting the Vienna Declaration and Programme of Action, the States Members of the United Nations had recognized the universal nature of human rights and fundamental freedoms and had reaffirmed their pledge, under the Charter, to promote respect for them. It was essential for all Member States to adhere to the human rights instruments, to accept the available procedures and to reconsider their reservations. His delegation welcomed the initiative taken by the Secretary-General to begin a dialogue with States which had not yet acceded to those treaties in order to identify obstacles and seek ways of overcoming them. His delegation, recalling the decisions concerning successor States adopted by the persons chairing the human rights treaty bodies, urged those States to notify the Secretary-General of their acceptance of their treaty obligations.

16. Hungary welcomed the innovative procedures developed by various human rights treaty bodies, such as the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child and the Human Rights Committee, with regard to prevention, emergency situations, early warning and follow-up. The Human Rights Committee was considering requesting States parties to host a mission responsible for collecting the information which the Committee needed in order to carry out its functions, in cases where it had been unable to obtain such information, or as a follow-up to its earlier recommendations. Moreover, the persons chairing the human rights treaty bodies and those bodies themselves were studying ways of following up the Secretary-General's recommendation that conflict-generating situations should be identified at the earliest possible stage. Those were positive initiatives.

17. As referred to in paragraphs 97 and 7 of the Vienna Declaration, the human rights expertise of the members of the treaty bodies could be more fully utilized, especially in the framework of the human rights components of peace-keeping operations and human rights training for international civil servants assigned to work relating to human rights.

(Mr. Dekany, Hungary)

18. In view of the need for the continuing adaptation of the United Nations human rights machinery, his delegation hoped that, at the current session, the General Assembly would approve the establishment of a High Commissioner for Human Rights. The High Commissioner should be able to draw upon the expertise of the human rights treaty bodies, special rapporteurs, experts and working groups, and should have access to all organs, bodies and programmes of the United Nations, including the Security Council.

19. The burden of reporting obligations, both for States parties and for the Centre for Human Rights, threatened the effectiveness of the monitoring system. Consideration should be given to the suggestions made by the independent expert, Mr. Philip Alston, in his interim report. They could be supplemented by the views of members of the treaty bodies and United Nations administrative, financial and legal experts. As the sessions of the General Assembly and the Commission on Human Rights might not be conducive to in-depth discussion, a separate format for consultations on that issue should be envisaged.

20. In the meantime, it was essential to increase the funds allocated to the Centre for Human Rights by providing, in the framework of the next budgetary cycle, for the hiring of additional legal experts and the establishment of a computerized database with cross-referencing capacities and a research room for the use of members of the treaty bodies, special rapporteurs and working groups.

21. Lastly, there was a need to increase the capacity of the United Nations, not only for improved monitoring of the treaty obligations voluntarily entered into by States, but also for providing States parties with the assistance which they needed in order to meet their obligations.

22. Mr. KASOULIDES (Cyprus) welcomed the ever-growing number of accessions to international human rights instruments and said that priority must be given to their effective implementation. In the long term the United Nations should make every effort to enhance the operation of existing and prospective international human rights treaty bodies. His delegation endorsed the proposal to establish an international court of human rights and was convinced that it was a feasible prospect, particularly in view of the experience of the European Court of Human Rights set up by the Council of Europe.

23. As the human rights treaty bodies had an ever-expanding role, their work should be rationalized and they should be provided with adequate resources. His delegation welcomed the decision taken by the General Assembly at its forty-seventh session to finance the committees set up under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the regular budget and wished to associate itself with the appeal to all Member States to ratify the amendments that had been made to those Conventions to that end. Cyprus had ratified or acceded to the major human rights instruments. Their implementation was guaranteed by Cypriot courts and could be verified through international mechanisms.

(Mr. Kasoulides, Cyprus)

24. Thanks to the efforts of the Human Rights Committee, the role of international bodies in monitoring and protecting human rights was universally accepted. In the context of the implementation of the Convention against Torture, his delegation strongly supported the implementation of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

25. The growing scope and complexity of the work carried out by the Centre for Human Rights meant that the Centre should be allocated greater resources. His delegation took note in that connection of the observations and recommendations made by the meeting of persons chairing human rights treaty bodies, in particular the proposal to create at least 30 Professional posts at the Centre.

26. The special attention accorded to children in the Vienna Declaration and Programme of Action and the ratification by 152 Member States of the Convention on the Rights of the Child reflected the universal realization of the need to improve the welfare and protect the fundamental rights of children. The Committee on the Rights of the Child had rightly focused on children in armed conflicts but should concern itself with all forms of child exploitation.

27. Concerning the elimination of all forms of religious intolerance, the Cypriot Constitution enshrined the principle of freedom of religion and religious worship, guaranteed the equality of all religions before the law and prohibited all discrimination against any religion or religious institution.

28. In Cyprus, human rights and fundamental freedoms were guaranteed by the Constitution. However, the occupation of part of the island by a foreign Power prevented their application throughout the country. The United Nations had a role to play there, as it did wherever human rights were neither respected nor applied. A law had recently been adopted in Cyprus on the status of conscientious objectors, who in the future would be able to perform unarmed service.

29. The principles of non-interference in the internal affairs of States and absolute national sovereignty should be discussed extensively in order to heighten awareness of the role played by international monitoring mechanisms in the field of human rights. In view of the growing number of internal conflicts, it was absolutely vital to strengthen international human rights instruments by creating effective enforcement procedures and mechanisms.

30. Mr. AL-DOURI (Iraq) recalled that his country, which was deeply attached to the cause of human rights at the national as well as the international level, had complied fully with the international treaties and instruments to which it had acceded; despite its past and present difficulties, Iraq had never failed to submit the periodic reports requested of it and had always responded promptly to questions and demands for clarification from special rapporteurs. While his delegation believed that States were obliged to fulfil their international commitments and report on the way in which they did so, it nevertheless wished to emphasize that that rule was valid for all States and should be applied in a

(Mr. Al-Douri, Iraq)

non-selective way, without a hidden political agenda. It was common knowledge that in the international arena human rights had been diverted from their primary purpose and were being used as a political weapon.

31. He wished to reiterate a question which he had already put to the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, namely, whether the United Nations could directly or indirectly violate the fundamental rights of an individual, which meant violating international human rights instruments, and whether it could be held accountable for such violations.

32. Respect for the fundamental rights of the individual was an imperative for all States, just as it was for all international organizations. That raised the question of whether it was possible for the United Nations itself to violate those rights, even when it claimed to be defending them. The answer to that question was, unfortunately, in the affirmative. All one needed to do to be persuaded of that was to look at what was going on in countries such as Iraq, where for over three years the United Nations had been applying an economic embargo that was "much more than a simple economic blockade" and had caused suffering that no human rights defender worthy of the name could tolerate, and that had created a disastrous situation which was verified by the number of documents issued by impartial observers, the most recent being a report of the Food and Agriculture Organization of the United Nations (FAO) entitled "Crops and food supply assessment mission to Iraq: special alert No. 237", published in July 1993 as document FAO/ESC/No.4960.

33. The embargo in question had caused the death of thousands of people, most of them women, children and elderly persons; the United Nations had thus violated the right to life in the most appalling manner by committing premeditated murder that could be truly qualified as genocide. Furthermore, thousands of seriously ill people were in danger of dying for want of medicine. In fact, the statement that the embargo would not apply to medicines and food was wholly inaccurate, as the Director-General of the World Health Organization had indicated when he had said that some States had prevented his organization from sending medicine to Iraq. Before coming to New York he (Mr. Al-Douri) had learned that the dispatch to Iraq of X-ray films which were desperately needed by hospitals in the country had been prevented. In addition, the embargo had created an extremely serious shortage of books and educational and scientific materials, done great harm to agriculture and industry, disrupted transport services and led to considerable upheaval in the daily life of the Iraqi people; in short, it had violated not only the civil and political rights but also the economic, social and cultural rights of the Iraqi population.

34. To the question of whether and to what extent the application of economic or any other sanctions that violated the rights of the individual were authorized, genuine human rights defenders must reply with a categorical and unequivocal no. It was therefore surprising that when an entire people was deprived of its fundamental rights, the international bodies that dealt with human rights remained silent.

35. Mrs. PIANO (Estonia), speaking on behalf of Latvia, Lithuania and her own country, said that the final Declaration and Programme of Action adopted by the World Conference on Human Rights afforded a unique opportunity for significant progress in the promotion and protection of human rights. She welcomed the recent establishment of a working group to give priority consideration to the possible establishment of a post of high commissioner for human rights, which would allow United Nations treaty bodies to identify human rights violations when and where they occurred and to defend Member States falsely accused of human rights violations more effectively.

36. In recent years, a growing number of countries had ratified or acceded to the international human rights instruments, but it was obvious that many had yet to do so. Because the Baltic States believed in full and complete acceptance of human rights instruments, they fully supported the recommendation of the World Conference on Human Rights that, to the extent possible, States should avoid resorting to reservations when acceding to human rights instruments.

37. The Baltic States attached great importance to the issue of protecting human rights and minority rights in particular. Before their occupation by the former Soviet Union, the three countries had had tolerant and liberal legislation that had allowed every resident to express his or her own religious, ethnic and cultural identity. Under Soviet occupation, recognition of that identity had been subjugated to political imperatives. Since regaining their independence in 1991, the Baltic countries had generally given high priority to the protection of human rights, as illustrated by their accession to the two International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention against Torture. Furthermore, the Constitutions of the Baltic countries complied with the provisions of the two Covenants and with contemporary human rights standards in general. With respect to minority rights, Estonia had updated its Cultural Autonomy of Minorities Act in September 1993. Recently, the High Commissioner for Human Rights of the Conference on Security and Cooperation in Europe (CSCE) had commended that law and had stressed that it could serve as a model for other countries. The three Baltic countries had laws guaranteeing national minorities the right to establish cultural associations, publish works in their own languages and establish schools where children could learn the language of their parents. Many of those activities were financed by the Government. In closing, she said that even during a period of political and economic upheaval, human rights remained a top priority for the Baltic States.

38. Mr. BASNYAT (Nepal) said that human rights instruments were the cornerstone of international cooperation in the field of human rights and thus of efforts to give full meaning to the notion of human dignity enshrined in the Charter of the United Nations. Ideally, of course, every State should accede to those instruments, thereby affirming the fundamental principle of their universality, and, as recommended by the World Conference on Human Rights, avoid formulating reservations to the instruments to which they became parties and withdraw any they had already entered.

(Mr. Basnyat, Nepal)

39. In Nepal, the restoration of democracy had made it possible to re-establish a multiparty system. A new constitution had been promulgated, and the Nepalese could now freely elect their parliamentary representatives. The new Nepalese Government attached particular importance to United Nations activities in the sphere of human rights, as illustrated by its accession to all of the major human rights instruments: the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and its Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

40. Monitoring the implementation of the major human rights instruments was an essential aspect of international efforts in that field. While the increase in the number of States parties to human rights instruments was encouraging, it was still necessary to continue to strengthen the effectiveness of the existing verification system. His delegation endorsed the recommendations of the World Conference on Human Rights in that regard and hoped that they would be implemented.

41. The submission by States of periodic reports made ongoing monitoring of the treaty system possible, although, given the large backlog in their submission to and consideration by the treaty bodies, it represented a considerable workload for both the States and bodies in question. To avoid any duplication in the reports, his delegation favoured the proposal that States should submit one overall report on their progress in implementing the various instruments to which they were parties. The proposal to have them submit thematic rather than article-by-article reports also merited consideration. Lastly, it was necessary to ensure that the reports prepared were frank and comprehensive and to consider establishing a mechanism to monitor steps taken by States after their reports had been considered.

42. His delegation welcomed the approval of measures to fund the operations of the Committee against Torture and the Committee on the Elimination of Racial Discrimination and stressed the desirability of implementing them quickly. It was grateful to Mr. Philip Alston for his interim report on the updated study of possible long-term approaches to improving the operation of current and future human rights treaty bodies. Like other delegations, it believed that the interim report could provide the basis for an in-depth examination of the human rights treaty system.

43. Mr. KEDZIA (Poland) said that the World Conference on Human Rights had stressed the universal nature of human rights and fundamental freedoms. Paragraph 1 of the Vienna Declaration expressly stated that the universal nature of those rights and freedoms was beyond question. Because of that universality, all States must accede to the international human rights instruments. His delegation endorsed the appeal made to States in paragraph 26 of the Vienna Declaration to accede to the instruments and, as far as possible, avoid resorting to reservations. Similarly, it approved the recommendation in

(Mr. Kedzia, Poland)

paragraph 90 of the Vienna Programme of Action that States parties to human rights treaties should consider accepting all the available optional communication procedures. Poland had ratified the few international conventions to which it had not previously acceded, such as the Convention on the Rights of the Child, the Convention relating to the Status of Refugees and the European Convention on Human Rights. It had also agreed to the submission of communications from individuals under the first Optional Protocol to the International Covenant on Civil and Political Rights, under the International Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment and under the European Convention on Human Rights.

44. International human rights standards had become the formal expression of a new moral code on which international relations were or ought to be based. Together with peace, democracy and development, human rights were the fundamental purpose of the United Nations. That situation had been acknowledged by the World Conference on Human Rights in paragraph 4 of the Vienna Declaration, which stated that the promotion and protection of all human rights was a priority objective of the United Nations and a legitimate concern of the international community.

45. His delegation shared the general opinion that it was time to concentrate on applying the norms adopted rather than on elaborating new instruments. In view of the proliferation of machinery to ensure the application of those norms, an effort should be made to rationalize the system. Rationalization was needed to provide better protection for individuals, ensure that effective measures were taken in response to massive violations of human rights and guarantee the most efficient use of the available human and financial resources. Such rationalization would require changes in United Nations structures and procedures in the field of human rights. As mentioned by Mr. Houshmand, Director of the Implementation of International Instruments and Procedures Branch, some important measures had already been adopted. Noteworthy among them was the system of consolidated reporting for States and ex officio reporting for States with serious delays in submitting their reports or in cases of serious human rights violations. In a welcome development, the treaty bodies had begun to formulate general comments on the content of international instruments, thereby creating jurisprudence in that field. Some proposals were still under study, including the proposed reform of the Commission on Human Rights and the development of mechanisms which would enable the Commission to respond immediately to serious human rights violations and the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. Given that, currently, most human rights violations were the result of internal conflicts, it was essential to ensure protection for the victims of those conflicts. That issue merited urgent consideration and might even warrant the elaboration of appropriate instruments.

46. Similarly, as there could be no democracy without respect for human rights, as observed by the former Chairman of the African Commission on Human Rights, Mr. Isaac Nguema, Governments, organizations and individuals should all strive to establish a universal human rights culture. In that connection, it was important to adopt promptly the draft declaration on the right and

(Mr. Kedzia, Poland)

responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. That declaration could serve as a framework for United Nations activities related to the decade for human rights education envisaged in the Vienna Declaration.

47. Lastly, he stressed the need to develop procedures for preventing human rights violations, including an early-warning system. He mentioned in that regard the role played by the Secretary-General, Mr. Boutros Boutros-Ghali, in the field of diplomacy. His delegation also welcomed the elaboration of the first legal instrument of a preventive nature, the draft optional protocol to the Convention against Torture. It hoped that the protocol could be adopted without unnecessary delay.

AGENDA ITEM 113: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

Draft resolution A/C.3/48/L.21/Rev.1

48. Mr. MALGINOV (Russian Federation) said that the draft resolution dealt with what was currently one of the most serious issues in the humanitarian field, namely the problem of refugees, returnees, displaced persons and migrants. A thorough consideration of the question, within the framework of a United Nations conference, was needed to determine the form of international cooperation in that area. The delegations concerned had held numerous consultations on the draft resolution. He hoped that the revised version, which reflected the views of the majority on the issue, could be adopted by consensus.

49. The CHAIRMAN said that draft resolution L.21/Rev.1 had no budgetary implications. He would take it that the Third Committee wished to adopt the text by consensus.

50. It was so decided.

51. Draft resolution A/C.3/48/L.21/Rev.1 was adopted without a vote.

Draft resolution A/C.3/48/L.23/Rev.1

52. Mr. ALIYEV (Azerbaijan) said that Senegal and Belarus had joined the sponsors of the draft resolution, which dealt with emergency international assistance to refugees and displaced persons in Azerbaijan. The revised version of the draft was the result of numerous consultations and had been prepared thanks to, inter alia, the good offices of the Chairman. The draft did not contain any controversial elements. He thanked those delegations which had demonstrated their understanding of the dramatic situation of the population in Azerbaijan. He hoped that the revised draft resolution could be adopted without a vote.

53. The CHAIRMAN said that draft resolution A/C.3/48/L.23/Rev.1 did not have any budgetary implications. He would take it that the Third Committee wished to adopt the draft resolution without a vote.

54. It was so decided.

55. Draft resolution A/C.3/48/L.23/Rev.1 was adopted without a vote.

56. Miss FOSTIER (Belgium), speaking on behalf of the European Union, said that the member countries of the European Community applauded the Armenian and Azerbaijani delegations and the Chairman of the Third Committee for their efforts to produce a text acceptable to all. Nevertheless, the Twelve would have preferred placing the issue dealt with in the resolution within a regional perspective. They understood that the situation in Azerbaijan was urgent and exceptional and for that reason had joined the consensus. However, they did not favour placing an item on the agenda of the next session of the General Assembly as an outgrowth of the draft resolution. Similarly, they hoped that the Secretary-General's report prepared pursuant to the resolution would take into account the humanitarian situation in the entire region.

57. The CHAIRMAN said that the Committee had thus completed consideration of agenda item 113.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT AIR DISASTER IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

58. The CHAIRMAN expressed his sympathy and that of the members of the Third Committee to the families of the many victims of the air disaster which had just taken place in the former Yugoslav Republic of Macedonia. He urged the representative of that country to convey to his Government his sympathy and his friendship under those sad circumstances.

59. Mr. ČALOVSKI (The former Yugoslav Republic of Macedonia) said that he wished to thank the Chairman and assured him that he would transmit his message to his country's Government.

The meeting rose at 12.05 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Tuesday, 23 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. KUKAN (Slovakia)

later: Mr. VAN DER HEIJDEN (Netherlands)
(Vice-Chairman)

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AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS

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93-82624 (E)

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, A/48/120, A/48/125, A/48/136, A/48/152, A/48/174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, A/48/184, A/48/201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, A/48/307, A/48/330, A/48/355-S/26390, A/48/357, A/48/370, A/48/394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, A/48/446, A/48/484, A/48/496 and A/48/564)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/48/210-E/1993/89, A/48/283, A/48/340, A/48/342, A/48/425, A/48/509 and Add.1, A/48/510, A/48/575, A/48/576 and A/48/589; A/C.3/48/7 and A/C.3/48/8)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, A/48/298, A/48/299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, A/48/526 and Add.1, A/48/561, A/48/562, A/48/570-S/26686, A/48/577, A/48/578, A/48/579, A/48/584, A/48/600 and A/48/601; A/C.3/48/9 and A/C.3/48/13)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (A/48/82, A/48/156, A/48/208, A/48/220, A/48/223, A/48/259 and A/48/511)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES INCLUDING ARMED CONFLICTS (A/48/242; A/C.3/48/1/Add.1)

1. Mr. FALL (Assistant Secretary-General for Human Rights) said that 1993 had been a critical year in the struggle for human rights because the World Conference on Human Rights, the first such high-level meeting devoted to that question since the end of the Cold War, had been held in June at Vienna. He recalled how long and difficult the preparations for that Conference had been because of differences of opinion among the various participants. The question of the Conference agenda, which had not been resolved during the Preparatory Committee's third session in September 1992, had finally been settled by the General Assembly in resolution 47/122 and its annex. During the fourth and final session in May 1993, the Committee had had to prepare a final draft. A draft (A/CONF.157/PC/98), based on ideas put forward during regional meetings and the suggestions contained in many reports from Governments and organizations throughout the world, had been adopted by consensus even though points of disagreement had remained regarding, for example, the question of the universality of human rights and respect for particularities, self-determination, identification of obstacles to the full exercise of human rights, the practical content of the relationship between development, democracy and human rights, institutional reform of the United Nations and especially structural coordination in human rights matters, usefulness and timeliness of new institutions and the budget for the United Nations human rights programme. During the Conference, consensus had been finally reached on all those items,

and the Vienna Declaration and Programme of Action had been adopted. Drawing attention to the detailed analysis of that Declaration in the Secretary-General's report on the work of the Organization (A/48/1, paras. 253-275), he said that he would limit his remarks to the main recommendations and procedural proposals which the Vienna Conference had addressed to the General Assembly.

2. The Conference had requested the General Assembly to adopt immediate measures to increase substantially the resources allocated to the human rights programme in the Organization's regular budget both currently and in the future, and to secure an increase of extrabudgetary resources. In addition, it had asked the Assembly to ensure that the Centre for Human Rights received the human, financial and other resources it needed for proper, effective and rapid execution of its mandates.

3. The Conference had also recommended to the General Assembly that it should proclaim three decades: one relating to the world's indigenous people, one for human rights education and one for human rights.

4. As to new institutions, after urging the International Law Commission to continue its work on an international criminal court, the Conference recommended that the General Assembly should, as a matter of priority, begin consideration of the question of the establishment of a High Commissioner for Human Rights to promote and protect all human rights.

5. In order to give practical form to the decisions of the Vienna Conference, the Secretariat, in co-operation with the structures and specialized agencies concerned, had begun a preliminary analysis of the follow-up to the Vienna Declaration and Programme of Action for the short, medium and long term. The promotion and protection of all human rights and fundamental freedoms was a universal mandate to which all peoples of the world and all States Members of the United Nations should devote themselves on the eve of the forty-fifth anniversary of the Universal Declaration of Human Rights.

6. The fundamental and principal theme of the Vienna Conference had been the triptych of human rights, democracy and development, centred on an important factor of development and the full realization of all human rights, namely, popular participation in all its forms. Since the Commission on Human Rights had not considered that question since 1991, it would be appropriate for the General Assembly to request the Commission to resume study of it, by, for example, incorporating the question into the mandate of the Working Group on the right to development.

7. Administration of justice played a central role in the promotion and protection of human rights. As indicated in the Secretary-General's report (A/48/575), the Centre for Human Rights had assisted several States, at their request, to incorporate international human rights standards into their national laws and to establish national institutions for the protection and promotion of human rights. Various working groups, inter-agency meetings and ad hoc consultations had been organized with a high level of participation by competent United Nations bodies, specialized agencies and the Centre for Human Rights,

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including representatives from the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs. Given the important role which national institutions played in that area, the General Assembly had repeatedly urged Member States to establish such bodies, to strengthen them if they were already in place and to make room for them in national development plans. As a result, many Member States had subscribed to the idea of a national institution as machinery for the protection of human rights and the dissemination of human rights principles. The Centre for Human Rights had furnished material support to those States desiring it and would continue its work in that field. Based on the guidelines issued by the Vienna Conference, an action plan for developing and strengthening national institutions was being drafted and would be submitted for review to the representatives of those institutions during the follow-up meeting scheduled to be held at Tunis from 13 to 17 December 1993.

8. The year 1993 had been marked by two important events regarding the right to development. First, the Commission on Human Rights, in its resolution 1993/22 had decided to establish, for a three-year period, a working group on the right to development which was to be composed of fifteen experts and would have a twofold mandate: to identify obstacles to the implementation of the Declaration on the Right to Development, and to recommend ways and means towards the realization of that right by all States. Second, the World Conference on Human Rights had reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights, and had added that lasting progress towards the realization of that right required effective development policies at the national level and equitable economic relations and a favourable economic environment at the international level. Those two decisions by the Commission and the Vienna Conference, which placed the right to development at the centre of practical thinking, were full of potential for constructive action at the international and national levels.

9. The children of the world, in particular street children, should be the first to benefit from the realization of the right to development. There were currently between 100 and 150 million street children, of whom more than 40 per cent had to resort to prostitution to survive. In some countries, those children were subjected to cruel and inhuman treatment. Furthermore, poverty and underdevelopment had led to an exodus from the countryside to the large cities which only aggravated the problem. The Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities had therefore decided to devote particular attention to the tragic fate of street children at its next session.

10. He recalled that the fundamental factors that negatively affected the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes were reviewed annually by the Commission on Human Rights, as requested by the General Assembly. In his report on that subject (A/48/425), the Secretary-General pointed out that, at its forty-ninth session, the Commission had considered a number of country situations which involved questions relating to the organization and holding of elections, and that a number of resolutions had been adopted to guarantee the

free expression of the electoral will of peoples and ensure respect for national sovereignty and non-interference.

11. Given the increasing frequency of conflicts affecting minorities, conflicts which often led to violence, it was no longer necessary to emphasize the importance of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992. The report of the Secretary-General on that subject (A/48/509 and Add.1) noted the various proposals put forth by the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur of the Subcommission, proposals which, it was hoped, would serve as a basis for specific action aimed at enhancing the implementation of the Declaration.

12. He reminded the Third Committee that it had received various reports regarding persons displaced inside their own countries, reports which related specifically to the situation of human rights in Afghanistan, Cuba, Haiti, Iraq, the Islamic Republic of Iran, Myanmar, South Africa and the Sudan. Reports on the situation in other countries examined within the framework of the special procedures of the Commission on Human Rights would be submitted to the Commission at its fiftieth session in February 1994, or to the Special Political and Decolonization Committee at the forty-eighth session of the General Assembly.

13. The Commission on Human Rights had entrusted special rapporteurs and working groups with 23 mandates, requesting that they investigate serious violations of human rights in specific countries or territories or incidences of major violations such as forced disappearances, torture, extrajudicial executions, arbitrary detention or cruelty to children. Fourteen additional reports had been requested in 1993 from the Secretary-General and missions had been sent to 34 countries during the first 11 months of the year; some 10 or so more visits were scheduled before the fiftieth session of the Commission in February 1994.

14. Without dwelling on the nine reports that were to be submitted to the Third Committee, he drew the attention of the members of the Committee to the report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia. That recent report (E/CN.4/1993/50), which had been submitted to the Commission on Human Rights, contained an overview of the current situation relating to human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro).

15. Turning to agenda item 115 on the situation of human rights in Estonia and Latvia, he referred to General Assembly resolution 47/115 and said that, pursuant to that resolution and at the invitation of the Government of Estonia, the Secretary-General had sent a fact-finding mission to Estonia to investigate alleged discriminatory practices against minorities. The mission had visited Estonia from 7 to 11 February 1993 and had then gone to Moscow for consultations on 12 February. Its report had been issued as document A/48/511. With respect to the situation in Latvia, he said that the Secretary-General wished to

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reiterate the conclusions and recommendations reached by the fact-finding mission sent to that country, which had been presented to the General Assembly at its forty-seventh session in document A/47/748.

16. In conclusion, while welcoming the progress so far achieved, he urged all countries, all peoples and all international, national and non-governmental organizations to work together so that all people might finally see the realization of all their fundamental, civil and political, economic, social and cultural rights before the new millennium.

17. Mr. PARSHIKOV (Russian Federation) asked the Assistant Secretary-General for Human Rights whether he believed that the report of the fact-finding mission sent to Latvia approximately a year earlier and to Estonia some time later objectively reflected the current situation.

18. Mr. FALL said that the reports on Latvia and Estonia dated back to October 1992 and February 1993 respectively. The period since that time, although relatively short, had been rich in political events, both on the internal level (including the holding of elections) and on the international level (taking into account the relationship with the Russian Federation), which might either confirm or belie the report on the situation as it was at the time. It was up to each Member State to form an opinion as to whether those changes, which were real, had seriously altered the situation in those countries.

19. Mr. FERNANDEZ PALACIOS (Cuba) asked the Assistant Secretary-General for Human Rights why reports on the situation of human rights in certain countries which did not appear on the agenda of the Third Committee would be submitted to the Commission on Human Rights at its fiftieth session or considered by the Special Political and Decolonization Committee at the current session of the General Assembly.

20. Mr. FALL explained that there were three types of reports. Some reports were submitted both to the General Assembly and to the Commission on Human Rights (as in the case of reports submitted to the Third Committee). Others were submitted to the Special Political and Decolonization Committee (for example, the report on Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied Territories). Finally, some reports were submitted only to the Commission on Human Rights (such as the reports on the situation of human rights in Equatorial Guinea, in the territory of the former Yugoslavia and in El Salvador).

21. Mr. SCHOLTEN (Austria), Federal Minister for Education and the Arts, referring to item 114 (b), said that his country was committed to the full implementation of the decisions taken at the World Conference on Human Rights, which his country had hosted in June 1993, and to ensuring their adequate follow-up. The Conference had brought together some 2,700 representatives of non-governmental organizations from all parts of the world and enabled them to interact with the Conference, as well as to lay the foundations for mutual cooperation activities, thus creating a new global human rights community.

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22. His country had prepared a draft resolution which took note of the report of the World Conference on Human Rights and endorsed the Vienna Declaration and Programme of Action. Once adopted by the General Assembly, the Declaration and the Programme of Action would represent the guiding document for the strengthening of future human rights work to be undertaken both by States and by the United Nations itself. Based on the universal Declaration of Human Rights, the International Covenants and the Proclamation of Teheran, the text set forth human rights agenda of the international community for the 1990s and beyond. The document was action-oriented and forward-looking. It spelled out not only the basic principles in the field of human rights but also a comprehensive programme of action containing numerous important recommendations to be carried out by States, the United Nations and other international, national and non-governmental bodies. It reaffirmed the universal character of human rights, as well as the legitimacy of the concerns expressed about them not only by individuals and States, but by the entire international community. It established the important interrelationship between development, democracy and human rights, and underscored the obligation of States to take concerted action in order to protect particularly vulnerable groups. The Declaration also stressed the need to fight all forms of racism, discrimination, xenophobia and intolerance, and to protect minorities. His country was circulating a draft resolution on that latter subject which took the outcome of the Vienna Conference into account.

23. He recalled that the Conference had recommended that a human rights High Commissioner should be appointed, and hoped that on completion of its work, the Committee would be in a position to achieve substantive results on the mandate of the High Commissioner, on his or her relationship with the United Nations system and on the resource implications involved in the creation of the post.

24. Austria attached particular importance to the issue of the abuse, neglect and exploitation of children and welcomed the growing determination of the international community to put an end to such practices, which was demonstrated by the immediate consensus reached on the relevant parts of the Vienna Declaration. His delegation noted with satisfaction the concrete measures already adopted by a certain number of countries with respect to following up the recommendations of the Conference on that question.

25. He was particularly satisfied with the attention the World Conference on Human Rights had devoted to human rights education. At the beginning of 1993, a conference on human rights had been organized on the model of the United Nations Conference, involving pupils and students from all parts of Austria, and had elicited impressive enthusiasm by all those taking part. It had demonstrated that human rights education for the young people of today was one of the keys to the protection and promotion of human rights tomorrow.

26. Mr. van der STOEL (Special Rapporteur on Human Rights) submitting his report on the human rights situation in Iraq (A/48/600), said that the actions of the Iraqi Government confirmed that it still had no inclination to comply with Security Council resolution 688 (1991) nor to the numerous resolutions

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adopted by the General Assembly and the Human Rights Commission demanding an end to human rights violations. Repression was continuing, and in certain spheres it had become worse, particularly with regard to the southern marshes. While there had been no further aerial attacks in the region since the declaration of a no-fly zone in 1992, attacks on civilian targets using ground-to-ground artillery were continuing and being intensified. That had been corroborated by eye witness accounts, by video recordings and by aerial photographs. There had also been a continuation of arbitrary killings, and he noted in that regard a decree dated 31 December 1992 of the Revolutionary Command Council which granted impunity to members of the Baath Socialist Party and to "popular patrols" who might be involved in the killing or wounding of individuals in the course of security and reconnaissance missions; the army in its turn was engaging in abuses in an effort to control the southern marsh area. The team of monitors sent to the Iran-Iraq border to question Iraqi refugees had pointed out that the accounts which had been gathered indicated that there was indeed a blockade on food supplies in the southern marsh area. Currently, 40 per cent of the marshes had been drained, and quite apart from the potential environmental consequences the effects of the situation on the Marsh Arabs driven from the area due to hunger gave cause for concern. Iraq officially claimed that the measures in question were being taken against saboteurs, deserters and infiltrators, but that claim was contradicted by the testimony gathered along the Iran-Iraq border. The village of Al Agar (para. 18 of his report) was an example. With regard to the policy of drying the marshes, the Iraqi Government had begun by saying that it was part of a deliberate development policy aimed at washing away salt-encrusted soils, reclaiming land for cultivation and increasing water available for irrigation. However, the Government was now maintaining in a letter dated 1 November 1993 that the drainage currently taking place was the result of the significantly lower water level in the Euphrates due to the construction and operation of the Keban and Karakaya dams in Turkey and the Tabqa dam in Syria, as well as the filling of the giant Atatürk Dam in Turkey. The Special Rapporteur, in an attempt to clarify matters, had obtained the opinion of experts who had explained that 10 to 15 per cent of the drop in the water level could be attributed to the construction of the dams in Syria and Turkey. There was moreover, proof that the Iraqi Government was indeed preventing water from the tributaries of the Tigris from flowing into the Amara Marshes.

27. In the north of the country, the Iraqi Government continued to use artillery against agricultural holdings and communities in the northern Governorate, in an effort to couple general destabilization with economic destabilization - for on 5 May 1993, the Iraqi Government had withdrawn and invalidated the 25 Iraqi dinar banknote, and that had greatly harmed trade, especially with regard to the Kurds in the north.

28. Despite the fact that it complained bitterly of the United Nations embargo and sanctions, the Iraqi Government had itself imposed an internal blockade of a much more serious nature. The Kurds were subject to much harsher food rationing measures than the rest of the population. The Iraqi Government had cut electricity in the Dohuk area with serious consequences for pumping facilities and hospitals.

29. In a letter dated 4 November 1993 (A/48/600/Add.1), the Iraqi Government had referred to the tragic situation in the fields of health and the supply of food and medicine owing to the ongoing embargo imposed on Iraq. According to the Special Rapporteur, Iraq was primarily responsible for that situation, since it still refused to take advantage of Security Council resolutions 706 (1991) and 712 (1991) which allowed it to finance the purchase of foodstuffs and medical supplies from the proceeds of its petroleum sales.

30. Despite his two written requests to the Iraqi Government, he had not received authorization to travel to Iraq. He requested the international community to put pressure on Iraq to accept the idea of impartial international observers who would go to the country with the aim of assessing the situation. Whatever the demands placed on the international community by crises elsewhere, it should give priority to Iraq, where the prevailing situation was in his view worse than any witnessed since the Second World War.

31. Mr. ERMACORA (Special Rapporteur of the Commission on Human Rights), introducing his ninth report on the human rights situation in Afghanistan since 1984, explained that from the outset he had tried to accomplish his mission in the most objective manner possible. Having visited the region twice a year, he had met regularly with representatives of the Afghan and Pakistani governmental authorities, who had always been most cooperative, and of the Government of the Islamic Republic of Iran. He had visited refugee camps in Pakistan and in Iran, Afghan prisons and hospitals. He had been in the Afghan capital as well as several other towns. In 1993, he had gone to Kabul for the first time since the Afghan Islamic revolution of April 1992, as well as Jalalabad and Herat.

32. Although the media in the West followed the events in Bosnia and Herzegovina closely, they virtually disregarded the fate of the Afghan people. For instance, there had been no mention of the incident reported in The News of Islamabad on 3 November 1993, concerning the 14 people who had been thrown from the second storey of a building for not praying. There was also scant coverage of the fighting currently taking place in the Kapisa province, north-east of Kabul, where hundreds of civilians had recently been killed.

33. Fighting had become a constant pattern of behaviour in Afghanistan. At the time of the former Government and the foreign occupation of the country, the conflict had been international in nature and had been characterized as a holy war. Currently, it was a constant struggle for political power that was essentially of an internal nature. However, the armed struggle for power, which had caused thousands of casualties and was destroying a sizeable part of Kabul and other towns, had prompted neighbouring States to intervene politically in an attempt to find a solution to the conflict. The good offices had resulted in the conclusion of the Islamabad and Jalalabad accords, which provided the political framework for a peaceful solution. They provided, inter alia, for the establishment of an electoral commission and a supreme council entrusted with the drafting of an Islamic Constitution. Those bodies had been unable to complete their task within the prescribed deadlines and the recently drafted interim constitution, which had not been dealt with in his report, had not yet met with unanimous approval.

(Mr. Ermacora)

34. Since the representatives of the political groups had been unable to resolve their differences by peaceful means, despite the texts and schedules adopted to that end, the recourse to military means and their dire consequences had been unavoidable: thousands of civilians had been killed and wounded and neighbourhoods destroyed; the economic situation in many parts of the country was disastrous and the population lived in constant fear.

35. In his view the root cause of the problems in Afghanistan was the lack of an effective central government that could guarantee respect for human rights, and without which the adherence by the Government to the relevant international instruments had no practical value. Kabul was governed by several groups which controlled different sectors. The President exercised authority over only a small part of the capital and the Prime Minister, who was unable to enter Kabul for security reasons, was based 25 kilometres from the city. The armed groups belonging to the Prime Minister and the President respectively were engaged in combat, while armed factions with other political ties controlled the remaining areas of the city.

36. The situation was different in the provinces. Commanders or administrators who wielded both political and military power controlled areas which sometimes extended beyond the boundaries of a single province. The fragmentation of power and lack of a centralized administration led to strife which had a negative impact on law and order and security conditions in general. For instance, it was impossible in such conditions to combat the production of and trafficking in narcotics that had spread throughout the country. Legal authority was fragmented on account of the absence a centralized judicial system, which combined with the lack of any guarantee of respect for human rights contributed to the multiplicity of approaches to the fundamental issues of civil, political, economic, social and cultural rights. Parallel systems of administration of justice were being established. Although the so-called governmental forces had no special prisons for political detainees, individual political parties had prisons and kept prisoners, to which the Special Rapporteur and the International Committee of the Red Cross had thus far been denied access.

37. Since the Government was unable to guarantee the right to life, massacres were not infrequent, such as the one which had taken place in February 1993 in the Afshar neighbourhood of Kabul, or the killing of hundreds of people in November 1993 in Kapisa province. During such incidents, indiscriminate killing, rape, torture and looting, regardless of ethnic origin, had frequently been reported.

38. The right to freedom of opinion and the right to seek, receive and impart information were exercised only by the few powerful groups which had their own media. In Kabul, one television station was controlled by the President, and the other by the Prime Minister. Television stations in the provinces were run by the regional authorities. The shura system of government did not guarantee the plurality of information.

39. The situation hampered the right to education; schools were being converted into shelters for displaced persons and were no longer able to serve their

purpose. University life was practically non-existent in Kabul as far as medical, technical and law studies were concerned. One hundred and fifty university teachers had fled Kabul during the most recent fighting. The situation would appear to be somewhat better at the University of Nangarhar, in Jalalabad.

40. Since the administration of justice was completely decentralized and based on legislation issued by former Governments, with the exception of provisions expressly abrogated on account of their incompatibility with Islamic law, it was doubtful that such legislation was respected even in regions which were not under Government control. In the circumstances, it was not surprising that those who committed atrocities, particularly against women, were not prosecuted. While the Government which had come to power in 1992 had not pursued a systematic policy of revenge against persons associated with the former regime, it was unable to prevent the daily violations of human rights and several specific cases of retaliation had in fact been reported.

41. The absence of an organized economy and the destruction of the economic infrastructure hindered the exercise of economic and social rights in Afghanistan. The Afghan currency was still printed in Russia and it was the President's prerogative to authorize such printing.

42. As to cultural rights, it appeared that the Kabul Museum had been partially destroyed and pillaged, hence the recommendation in his report that UNESCO should be invited to study the question of Afghanistan's cultural heritage and in particular the situation of the Kabul Museum.

43. Given the human rights situation in the country, it was understandable why the massive repatriation of Afghan refugees started in 1992 had not continued. Only 1,200,000 Afghans had returned to their homeland; more than 3 million remained abroad. The speed of mine clearing had not been stepped up and the process of reconstruction was not keeping pace with the massive destruction of houses, villages and towns throughout the country. In fact, new refugees had flooded into Pakistan and the number of internally displaced persons in Afghanistan had increased. The new wave of refugees, which numbered several tens of thousands, was composed primarily of urban professionals from Kabul, whereas the earlier refugees had come chiefly from rural areas. The situation of the refugees and displaced persons was disastrous, as indicated in paragraphs 48 and 49 of the report.

44. Although the United Nations agencies providing humanitarian aid had recently increased their presence in Kabul, the actual assistance they could offer was not proportionate to the needs of the country. The reports of the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan were very informative in that regard.

45. He then drew attention to two questions concerning human rights: the fate of the former Afghan President, Mr. Najibullah, and that of the Soviet prisoners of war who had not yet been released. The cases of several hundred such prisoners were still pending, although under international humanitarian law

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combatants must release their prisoners when the conditions laid down in the Geneva Conventions were fulfilled. The prisoners in question were still being held hostage and he therefore requested that they be released as soon as possible.

46. Another delicate matter of particular concern was Mr. Najibullah's continued presence at Kabul. In that connection, it should be recalled that the general amnesty proclaimed in April 1992 by the former President, Mr. Mojjadidi, provided for no exceptions. The Council for solving problems and negotiating agreements (Shura-Ahl-e-Hal Wa Aqd) had met sometime later, but had been boycotted by the leaders of five out of nine political parties in Afghanistan. The Council had decided that the former Presidents, Mr. Najibullah and Mr. Karmal, should be prosecuted. There was a dispute as to the validity of that decision, but the amnesty decree itself had been unanimously adopted by the legitimate Government. He wished to draw attention to Mr. Najibullah's state of health, which was an additional humanitarian reason to justify the granting of amnesty.

47. He concluded by making three recommendations. The United Nations should continue to be vigilant with regard to the human rights situation in Afghanistan in order to make the Afghan people, who had been suffering for more than 10 years, aware that the United Nations was not indifferent to their fate. The report (A/48/584) should be translated into the Dari language so that it could be read by everyone in the region. The Secretary-General should be called upon to use his good offices to bring the warring sides to the negotiating table and encourage them to find a political solution to the dispute by peaceful means and not through the use of weapons.

48. Mr. Van Der Heijden (Netherlands), Vice-Chairman, took the Chair.

49. Mr. ERMACORA (Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa) introducing the report on the situation of human rights in South Africa (A/48/525) on behalf of the Ad Hoc Working Group of Experts, said that the report essentially reflected the findings of a mission to Botswana and Zimbabwe in August 1993 and evaluated the human rights situation in South Africa between February and September 1993. Despite resolution 1993/9 of the Commission on Human Rights, in which the Commission renewed its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa and to cooperate with it, and despite several informal contacts during the course of 1993, the Working Group had received no written response. However, through informal contacts with the Permanent Representative of South Africa at Geneva, the Working Group had learnt that a visit to South Africa would not be possible in view of the delicate situation which existed in that country.

50. Subsequent events, especially the adoption of an interim constitution and the creation of an independent electoral commission, would be analysed in the interim report of the Working Group to the Commission on Human Rights at its fiftieth session.

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51. Despite the positive steps towards political reconciliation, the continuing violence was a cause of great concern, since 554 deaths had been recorded in August 1993 alone and the Human Rights Commission of South Africa had reported that 2,000 people had been killed in political and other violence during the first seven months of 1993, while close to 3,000 had been injured. The Working Group hoped that the formation of a national defence force with components from different groups would have a restraining influence on incidents of that nature. It further believed that the speedy trial and conviction in October 1993 of the two accused of the murder of Chris Hani, Secretary-General of the South African Communist Party, indicated a willingness to combat political violence in the country.

52. The agreement reached on 17 November 1993 within the Negotiating Council on an Interim Constitution, supported by 21 parties, was a major step forward. It was hoped that the Freedom Alliance would also associate itself with the agreement, thus leaving the way clear for the South African Parliament, which was currently in session, to adopt the electoral bill, which would allow the elections scheduled for April 1994 to proceed.

53. The Working Group emphasized the need to give priority to the reincorporation of the 10 so-called "homelands" and urged the administrators of Bophuthatswana, Ciskei and Kwa Zulu to facilitate that process in order to achieve peaceful elections. It also hoped that account would be taken of the difficulties which residents of the so-called "homelands" would face in order to vote.

54. While encouraged by the many changes which were taking place in South Africa, the Working Group was particularly concerned about the fate of the 1 million farm workers and the 1 million domestic workers whose access to voting booths was not yet secured. The international community could play a key role in facilitating the electoral process. The Working Group was discouraged, moreover, by the continued manifestations of racial hatred and killings and by the reports it had received about the arbitrary behaviour of the security forces.

55. The Working Group was required to submit its final report to the fifty-first session of the Commission on Human Rights, in 1995, and a preliminary report to the General Assembly at its forty-ninth session. Since the reports would cover the period after the elections scheduled for April 1994, the Working Group, which had been monitoring the situation in South Africa for more than 26 years, was looking forward to making an important contribution in that final stage of the eradication of apartheid.

56. Mr. GROTH (Special Rapporteur of the Commission on Human Rights), introducing his report on the situation of human rights in Cuba (A/48/562), said that the introduction to the report spelled out the framework in which the report had been prepared and the reasons for its preparation.

57. The Government of Cuba refused to accept the decision of the Commission on Human Rights to monitor human rights conditions in that country and rejected

(Mr. Groth)

cooperation with the Special Rapporteur, on the grounds that the situation in Cuba did not warrant the attention given to it by United Nations human rights organs.

58. Since he had been unable to visit the country, he wished to refer to his report of the previous year and to repeat that the systematic and massive human rights violations committed in Cuba were different from those typical of other countries which were under the scrutiny of the United Nations. There were no arbitrary executions or enforced disappearances carried out by clandestine death squads. Nevertheless, the Cuban situation was serious because of the excessive control exerted over the population through institutionalized machinery. There was systematic violation of, inter alia, the right of freedom of opinion and expression and the right of freedom of association. There were also a substantial number of known cases of persons serving long prison sentences for nothing more than a simple expression of dissent or peaceful protest.

59. The report concluded that the judicial system and court procedures lacked objectivity and independence, at least in cases concerning State security. The Special Rapporteur's impression was that defendants did not receive a free and fair trial.

60. It was not within the mandate of the Special Rapporteur to pass judgement on the ideological basis or political aims of any State Member of the United Nations. However, it was his task to point to established practices by the authorities which amounted to violations of universally accepted human rights standards and, thus, to defend the basic human rights of citizens.

61. The report contained a number of recommendations directed to the Cuban Government, which were the same as those of the previous year, calling on the Government to: (a) ratify the principal human rights instruments to which Cuba was not a party; (b) cease persecuting and punishing citizens for reasons relating to the freedom of peaceful expression and association; (c) permit the legalization of independent groups, especially those seeking to carry out human rights or trade union activities; (d) respect the guarantees of due process, in accordance with the provisions set forth in international covenants; (e) ensure greater transparency in the prison system and, in that connection, renew the agreement with the International Committee of the Red Cross and allow independent national groups access to prisons; (f) review sentences imposed for offences with political connotations and for trying to leave the country illegally; (g) expedite and make more transparent the procedure for applying for permission to leave the country, while avoiding measures of retaliation against applicants. He noted that those recommendations did not in any way question the sovereign rights of the Cuban Government or the political system in place. The proposals were very limited in scope and were motivated purely by the desire to promote the full enjoyment of human rights. Since it was his view that external pressures contributed to the lack of freedom in Cuba, he noted with satisfaction the resolution which the General Assembly had recently adopted on that subject.

62. Mr. REMIRES DE ESTENOZ (Cuba) said that the report of the Special Rapporteur on the so-called situation of human rights in Cuba seemed to have become a kind of ritual that had nothing to do with reality. It would be hard to find anything in the report that could validate the accusations levelled against Cuba or that could justify the need for a Special Rapporteur. The members of the Committee knew that the real purpose of the report was to slander the political, constitutional and legal system of Cuba and provide a pretext for the submission of the draft resolution which the United States had already prepared.

63. In the 34 years during which it had waged a systematic policy of hostility and aggression against Cuba, had the United States not been responsible for the gravest human rights violations vis-à-vis more than 10 million Cubans, including 2 million children? Did not denial of a people's right to decide its own fate freely and to possess the means vital to its livelihood constitute a further flagrant violation of human rights? Did not the fact that, in essence, the report called into question the constitutional and legal order of a sovereign State and a Member of the United Nations, itself represent a flagrant violation of the very principles that governed the Organization and were the basis of its constituent Charter?

64. Those questions pointed up how lacking in moral, political and legal vision the United States was being and how irresponsibly it was acting in brandishing the human rights argument against Cuba. He wondered what the cost of that useless exercise had been and would be to the Organization's budget. As for the Cuban people, they had no intention of renouncing their rights or of allowing a great Power to belittle their institutions.

65. Mr. BRUNI CELLI (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Haiti), introducing the report on the human rights situation in Haiti (A/48/561) prepared in accordance with Commission resolution 1993/68, said that, throughout 1993, Haiti had been governed, directly or indirectly, by the military who had deposed President Aristide in September 1991. Basing their power on the use of weapons and the weakness of the political parties, on the retention of the section chiefs, on the merger of military and police functions, on their ability to practice repression with impunity, on the de facto or de jure privileges conferred upon them and on the considerable resources acquired through illegal trade, smuggling and customs duties, the military had exercised absolute power, even though they had put in place a civilian Government. A Government led by Mr. Marc Bazin had been in office up to May 1993, following which there had been a power vacuum until the signing of the Governors Island Agreements and the New York Pact and the appointment of Mr. Robert Malval as Prime Minister. The Government set up by Mr. Malval had never really been able to carry out its duties; it had been prevented from doing so by the military and the violent attacks of armed bands (the assassination of the Minister of Justice in October 1993 being an example).

66. One of the main features of the human rights situation in Haiti had been the installation of a civilian mission, under the auspices of the United Nations and the Organization of American States (OAS) whose mandate had included securing a reduction of violence and promoting respect for human rights. The mission, consisting of some 30 persons, was headed by Ambassador

(Mr. Bruni Celli)

Collin Granderson and included a team of human rights specialists headed by Mr. Ian Martin, the former Secretary-General of Amnesty International. The mere presence of the mission had produced some positive effects and attacks by armed bands had lessened slightly. Unfortunately, with the fresh outbreak of violence which followed the denunciation of the Governors Island Agreements, the members of the civilian mission had had to be evacuated from the country.

67. Throughout 1993, intense international pressure had been maintained on Haiti. The Secretaries-General of the United Nations and OAS had appointed the former Minister for Foreign Affairs of Argentina, Mr. Dante Caputo, as Special Envoy in charge of a mission to mediate between the military leaders of the coup and President Aristide. After innumerable journeys between Haiti and Washington, where he had talks with the two parties to the conflict, the Special Envoy had devised a plan providing for a return to democracy and reinstatement of President Aristide, deployment of a multinational police force, an amnesty and other guarantees for the members of the military involved in the coup, who were to resign, and a financial assistance programme of some $1 billion phased over five years.

68. The negotiations had been extremely difficult. The military had avoided any dialogue, made promises which they had not kept, flagrantly violated human rights and totally disregarded the members of the civilian mission. However, through the intensification of international pressure, the relative effectiveness of the embargo imposed on the country, and the skill, tenacity and powers of persuasion of the Special Envoy, the Governors Island Agreements had been signed, on 3 July 1993, under the auspices of the United Nations and OAS in the presence of the Special Envoy. The Agreements provided among other things for the opening of a political dialogue, the designation of a Prime Minister and his confirmation by Parliament, the lifting of sanctions, the establishment of an international cooperation programme, amnesty for the military leaders of the coup, the separation of the armed forces and police forces, the resignation of General Cédras and the appointment of a new Commander-in-Chief of the Armed Forces, the replacement of Colonel François as Chief of Police in Port-au-Prince, the return of President Aristide by 30 October and the verification of the Agreements by the United Nations and OAS. The Agreements, signed by President Aristide and General Cédras, concluded with an undertaking by the two parties to "cooperate fully in the peaceful transition to a stable and lasting democratic society".

69. Rarely had so solemn a promise been so shamefully betrayed. The military had neither relinquished power nor permitted the return of President Aristide, nor allowed the Prime Minister to govern, nor ceased their attacks on human rights, nor even opened a dialogue. When the Special Envoy went to Haiti shortly after the signing, he realized that the military had no intention of complying with the provisions of the Agreements and that violations of human rights had intensified.

70. For technical reasons, the report he had submitted ended at mid-October 1993. Since then, the military had decided to denounce the Agreements, to prevent the return of President Aristide and to step up

(Mr. Bruni Celli)

repression. According to information he had been able to obtain, the country no longer had a Government and was in the hands of armed groups (tontons macoutes, attachés, zenglendos) who sowed terror, used vehicles and weapons provided by the military and acted with complete impunity.

71. He recommended, among other things, that the General Assembly should deplore the failure to implement the Governors Island Agreements and express its deep concern at the attitude of the Haitian military who were opposing by force the restoration of the civilian Government; that the General Assembly should request the Security Council to maintain and even intensify the sanctions on the Haitian military regime and to seek new means whereby the international community would assist the Haitian people to free themselves from the reign of terror to which they were subjected and promote the installation of a civilian Government guaranteeing the enjoyment of fundamental human rights; that the United Nations should continue to observe and remain apprised of the human rights situation in Haiti for the purpose of recording and reporting violations, requiring the de facto regime to fulfil its constitutional obligations, helping to solve the serious problems facing Haitian society and informing Governments and the United Nations and OAS organs of the human rights situation in the country; that efforts to bring about national reconciliation should continue and the provisions of the Governors Island Agreements and the New York Pact should be regarded as a valid basis for future political negotiations aimed at finding a solution to the Haitian crisis; that the General Assembly should express its gratitude to the Special Envoy and the members of the civilian mission for their efforts to find a political solution and to defend the human rights of the Haitian people; that, once the internal situation permitted, the members of the civilian mission should return to Haiti and remain in the country even after democracy was restored; that, once the internal situation permitted, a programme should be established, with the participation of the Inter-American Commission on Human Rights, the Inter-American Institute of Human Rights and the Special Rapporteur, for the promotion and dissemination of human rights, aimed specifically at training the military, police and prison authorities and the members of governmental and non-governmental human rights organizations, and the political parties; and that, in view of the serious and very difficult human rights situation in Haiti, international monitoring of the situation by the General Assembly and the Commission on Human Rights should continue, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

72. It was essential to continue monitoring the country's political, economic and social situation; only political pressure and, when the time came, aid, cooperation and technical assistance from the international community could restore to the Haitian people enjoyment of their fundamental rights and spark the process of development.

73. Mr. GALINDO POHL (Special Representative of the Commission on Human Rights) said that, in preparing his interim report on the situation of human rights in the Islamic Republic of Iran (A/48/526 and Add.1), he had drawn on various information sources, including the Iranian media. In view of the format rules

(Mr. Galindo Pohl)

of the relevant bodies, the part of the report on human rights violations consisted of a summary of the memorandum he had communicated to the Government of Iran. The Secretariat would make the unabridged text of the memorandum available to any delegations wishing to consult it. The replies of the Government of Iran, which had not been received by the prescribed deadline, were published in an addendum (A/48/526/Add.1) that was an integral part of the report.

74. In section IV, he highlighted the major considerations and assessed the situation on the basis of the information he had received. With respect to cooperation with the Government of Iran, the latter had responded officially to his memorandum but had yet to authorize his visit to the country. Before the present meeting, he had received assurances from the representative of Iran that cooperation would proceed smoothly.

75. The report mentioned the proposal made in Geneva by the Ambassador of the Islamic Republic of Iran to hold talks with delegations that usually sponsored draft resolutions on the human rights situation in Iran in order to arrive at a consensus resolution. Noting that a consensus resolution produced in 1991 had raised the Islamic Republic of Iran's cooperation on human rights to an unprecedented level, the Ambassador had indicated that, with the good will of the parties concerned, an agreement might be reached that would enable the Special Rapporteur to overcome some of the difficulties encountered in carrying out his mandate.

76. The principle of the universality of human rights had been established at the World Conference on Human Rights in Vienna in June 1993. He had repeatedly raised that issue with the Iranian authorities, pointing to the need for national or regional interpretations to comply strictly with the relevant international instruments. National laws could dictate the mechanisms for enforcing human rights, but never their content, which was defined in instruments of unquestioned validity such as the Universal Declaration of Human Rights. He and a number of Iranian specialists had in mind a study of the specific implementation problems posed by the principle of the universality of human rights, which might become a major focus of his activities in the event his mandate was renewed.

77. He hoped to be able to submit information on displaced persons and refugees from neighbouring countries in his final report in early 1994. The Islamic Republic of Iran continued to grant asylum to thousands of victims of persecution from neighbouring countries despite the resulting financial burden and the international community's reluctance to provide assistance.

78. He was aware that the number of executions was no longer published in the Iranian press and had obtained a copy of a study by Iranian Government officials asking the media to limit their publication of cases of capital punishment, which would eliminate one of the most reliable sources of information for reports on that question.

(Mr. Galindo Pohl)

79. The report also dealt with the issue of the assassination abroad of Iranian exiles from across the political spectrum. He had included only assassinations attributed to Iranian intelligence agents by the authorities of the countries in which they had been committed. Those assassinations had had a profound impact on the people and groups that provided him with information on the human rights situation in Iran, which undoubtedly explained the decline in the number of visits he received. It was necessary for the Iranian authorities to take immediate steps to stop such activities, which violated the sacred right to life and damaged the country's image abroad.

80. The interim report touched briefly on the administration of justice, the number of persons arrested, the situation in the prisons and the situation of women. The situation of the media, specifically the press, was of particular concern. Over the past two years, the offices of several publications had been attacked, and a number of journalists had been prosecuted. The authorities definitely appeared to be trying to intimidate journalists into strict compliance with official directives.

81. With respect to the situation of the Baha'is, he had recently learned of the execution and sentencing to death of several Baha'is, as well as of instances of discrimination against them involving inheritance, education and damage awards.

82. In his report, he urged the adoption of prompt and effective measures to stop intelligence agents from threatening the lives of members of the opposition living abroad; the amendment of Iran's penal legislation to make punishments proportionate to the degree of the offender's involvement in and responsibility for the offence; the adoption of measures to stop "unauthorized" groups from intimidating journalists; the application of the agreement in force between the Government of Iran and the International Committee of the Red Cross to allow common criminals and political prisoners to receive visits, and the organization of his fourth visit to the Islamic Republic of Iran.

83. In his opinion, the situation of human rights and fundamental freedoms in the Islamic Republic of Iran warranted continued international surveillance.

84. Mr. AL-DOURI (Iraq) said that he had already had occasion to warn against resolutions based on false information and to stress the need to appoint special rapporteurs of good repute who were objective, competent and knew the region. And still Iraq was confronted with an obvious lack of objectivity. It should be remembered that his country had long been independent and should be treated as such. His delegation had not read the report on Iraq (A/48/600) until the previous evening, and it had found it to contain unsubstantiated information aimed at discrediting the country. The Special Rapporteur's allegations were based on information received from Iraqi friends living abroad, far from the embargo and its cruel effects.

(Mr. Al-Douri, Iraq)

85. Furthermore, the Special Rapporteur had no grounds for calling the residents of the southern marsh area indigenous communities, when they came from Yemen, or for maintaining that Iraq was using chemical weapons in that area. If the southern marsh area to which the Special Rapporteur attached such great importance were not part of an area on the border of another country with which the Special Rapporteur had dubious ties, he would not even have mentioned it. The marsh area had been the theatre of military operations for eight years and had been almost completely deserted by its inhabitants, who had returned following the end of hostilities in 1988. The Government of Iraq was in fact anxious to develop that region. Since the Special Rapporteur had deliberately misconstrued the facts, his delegation reserved the right to return to the issue in the coming days.

The meeting rose at 1.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
41st meeting
held on
Tuesday, 23 November 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, 120, 125, 136, 152, 174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, 184, 201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, 307, 330, A/48/355-S/26390, A/48/357, 370, 394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, 446, 484, 496 and 564)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, 340, 342, 425, 509 and Add.1, 510, 575, 576, 589; A/C.3/48/7 and 8)

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1. Mr. BÍRÓ (Special Rapporteur on the situation of human rights in the Sudan) said that, given the restricted possibilities of in-country verification available to him, he had sought a response from the Sudan's government agencies, notably the Minister of Justice, concerning the most serious allegations of human rights violations. Having then decided to focus on obtaining testimonies from alleged victims or witnesses of human rights violations, he stressed that government officials had been highly cooperative throughout most of his visit to the Sudan. That cooperation, however, had ultimately been disrupted by the arrest and harassment of persons who had communicated information to him. He hoped there would be no reoccurrence of such incidents, which interfered with his mandate and violated the terms of reference of his mission.

2. The interim report on the situation of human rights in the Sudan (A/48/601) concentrated on the most serious violations of the right to life, security, liberty and dignity of the person in the northern Sudan. He expressed special concern over the fate of the indigenous Nuba community and smaller ethnic groups, whose social structure would be eradicated unless the armed conflict in that area ceased to escalate. A second mission was required to investigate the situation in the southern Sudan, particularly concerning violations committed in the context of the civil war by government forces and factions of the Sudanese People's Liberation Army (SPLA).

(Mr. Bíró)

3. Meanwhile, the country's serious human rights situation necessitated intensified monitoring. He would therefore need unlimited access to the relevant areas and adequate resources enabling him to fulfil his mandate. A continuous presence of representatives of human rights organizations would also be beneficial, while the Sudanese Government should investigate cases brought to its attention. In that connection, he welcomed its establishment of a human rights council and an office to handle complaints of abuses by the security forces, and looked forward to receiving further details of their work. Finally, given the disastrous consequences of the armed conflict for the civilian population, he recommended a cease-fire and an immediate end to all attacks on civilians, with food and health care being made available to the needy. Efforts to find a peaceful solution to the conflict and to address the problem of displaced persons should likewise be intensified.

4. Mr. SHIDDO (Sudan) expressed dissatisfaction with the conclusions derived from the interim report, which he hoped the Committee members would read in conjunction with his Government's statement on the matter, shortly due to be circulated as an official document.

5. Mr. DENG (Representative of the Secretary-General on internally displaced persons) highlighted the magnitude of internal displacement as an escalating global crisis. Its commonest causes were internal conflicts, communal violence, forced relocation and gross human rights violations, which were most acutely manifested in civil wars and led to extensive human suffering. The international community was often called upon to meet the humanitarian challenges of assisting and protecting the needy and ensuring respect for their fundamental human rights. That role, however, was constrained by the principles of sovereignty and non-interference in the internal affairs of States, while it was also important to remember that not all Governments or controlling authorities were equally able or willing to protect and assist their citizens to an adequate degree. A delicate balance was therefore required between respect for national sovereignty and the normative assumption that sovereignty encompassed responsibilities which could not be disregarded with impunity.

6. His mandate was initially intended to ensure that Governments cooperated with the international community in protecting and assisting the internally displaced. Where Governments failed in their responsibilities of national sovereignty, the international community was obliged to assert its concern and assist the suffering masses. None the less, the enforcement mechanisms for international action remained inadequate and underdeveloped, while controversy concerning the protection available under international law continued to rage.

7. Those theoretical issues required translation into practical policies. The emphasis on country visits and dialogue with Governments on behalf of the internally displaced was therefore significant in that respect. The mandate would thus continue to stress the importance of compiling country profiles, in which connection he referred to his recent visit to Sri Lanka. Acknowledging the full cooperation he had received from the Sri Lankan Government, that visit had also helped to deepen understanding of the generic problems of internal displacement as a worldwide phenomenon and of the complementary roles of Government, national organizations and the international community in addressing them. The problems of internal displacement could be solved only by removing

(Mr. Deng)

the root causes, often embedded in civil wars. Only peace could restore the confidence of the displaced to return to their homes and resume normal life, failing which deprivation would persist and respect for human rights and fundamental freedoms would remain elusive.

8. He concluded by reiterating the final hope expressed in his report on internally displaced persons (A/48/579), namely, that the international community would develop normative principles and institutional arrangements for combating the crisis; the appointment of a representative of the Secretary-General on internally displaced persons should not be regarded as a ground for complacency.

9. Mr. VAN CRAEN (Belgium), speaking on behalf of the European Union, urged the General Assembly to support unreservedly the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by consensus at the recent World Conference on Human Rights, where the promotion and protection of human rights had been affirmed as a legitimate concern of the international community. By recognizing the interdependence between democracy, development and human rights, the Vienna Declaration paved the way for cooperation between States, international and regional organizations and national institutions in promoting all human rights, including the right to development.

10. Referring to the possible establishment of a High Commissioner for Human Rights, he considered that the primary task of the appointee would be universal promotion and protection of human rights. He would cooperate and coordinate with other relevant United Nations bodies, as well as with regional and national human organizations, and could also provide advice, technical assistance, education and information. He could negotiate with Governments in the event of serious human rights violations and would direct the Centre for Human Rights, which should be strengthened to cope with its increased workload. The success of control mechanisms and technical and electoral assistance programmes, which were vital to the promotion and protection of human rights, depended largely on the Centre's ability to function smoothly. With that in mind, he called on all countries to support the Secretary-General's proposals aimed at strengthening the Centre under the proposed programme budget for the biennium 1994-1995. Extra resources would also be needed to implement the Vienna Declaration. In addition, non-governmental organizations, which played a crucial role in protecting and promoting human rights, should be free to operate without suffering intimidation or interference.

11. Having expressed the hope that delegations would approve the draft resolution on street children to be introduced by the European Union, he turned to discuss human rights situations in the light of the reports submitted by special rapporteurs and representatives. As for the former Yugoslavia, where gross human rights violations continued despite all international efforts, the European Union would cooperate with the United Nations and other competent bodies to ensure that the perpetrators of those horrific deeds were brought to justice. He reminded all parties to the conflict that persons in distress were entitled to humanitarian assistance and that personnel belonging to international and humanitarian organizations required protection. Demanding an end to the repression of Kosovo's Albanian population, he expressed strong support for the activities of Mr. Masowiecki, the Special Rapporteur of the

(Mr. Van Craen, Belgium)

Commission on Human Rights, and his team, particularly with regard to violence against women.

12. He welcomed the Declaration of Principles on Interim Self-Government Arrangements, signed between Israel and the Palestine Liberation Organization and, condemning all acts of violence in Lebanon, he appealed for the restoration of its sovereignty, independence and territorial integrity.

13. He equally condemned the systematic and persistent human rights violations occurring in Iraq, particularly in the southern marshes and among the Kurdish community in the north, and called on the Iraqi Government to cooperate fully with the Special Rapporteur. He also unreservedly supported the proposal to station human rights monitors in the country.

14. The European Union was also seriously concerned by the human rights violations in the Islamic Republic of Iran, and condemned the threats against the life of the author, Salman Rushdie, and the attacks on editors and translators of his book. It also regretted the refusal of the Iranian Government to permit a visit from the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, which would appear to be justified. It fully supported Security Council resolutions on Haiti and the efforts of the Special Envoy for Haiti and the Organization of American States Secretaries-General, and would continue to endorse the endeavours of the international community aimed at establishing democracy in Haiti.

15. The European Union urged the Government of Cuba to cooperate with the Special Rapporteur of the Commission on Human Rights by finally enabling him to visit Cuba in accordance with his mandate. It also called on the Cuban authorities to recognize the right of all Cubans to express and organize themselves freely, and to end intimidation and the imposition of heavy prison terms on opponents of the Government.

16. In Afghanistan, the cessation of hostilities and the establishment of peace and democracy were more necessary than ever. However, a global solution to the problem would endure only if it encompassed the promotion and protection of human rights. The serious human rights violations in Myanmar were also a continuing cause of concern. He demanded, inter alia, the immediate and unconditional release of political prisoners, including the Nobel Peace prize winner, and the establishment of conditions which would permit the repatriation of refugees.

17. Condemning the grave human rights violations occurring in the Sudan, he urged the Sudanese Government to cooperate fully with the Special Rapporteur, and reiterated his appeal to the parties to the conflict to comply with humanitarian law and allow humanitarian organizations to have unhindered access to those in distress.

18. The European Union was deeply concerned at the situation on Cyprus, where the status quo was unacceptable, and reaffirmed its support for the efforts by the Secretary-General to bring about a just and lasting settlement of the

(Mr. Van Craen, Belgium)

question of Cyprus and the restoration of that country's unity, independence and territorial integrity in accordance with the relevant United Nations resolutions. While recognizing the importance of the recent reform of the penal code in Turkey, the European Union was still concerned about the practices of torture and maltreatment, particularly of persons held in detention. He therefore urged the Government of Turkey to ensure full respect for human rights and called upon the Turkish authorities and the Kurdish groups concerned to put an end to the violence and initiate a dialogue.

19. He welcomed the recent amendment of the Constitution in Albania and underscored the need for further efforts to ensure full respect for the rights of minorities. The Syrian Government had recently taken encouraging measures to halt human rights violations in that country. Nevertheless, the European Union remained concerned in that connection and urged the Syrian authorities to ensure full respect for human rights. The reports of an upsurge in political violence in Guatemala were cause for great concern and there was a need for continued efforts to put an end to impunity for human rights violations in that country. The comprehensive implementation of the Peace Agreement in El Salvador was an essential condition for guaranteeing respect for human rights there. He was deeply concerned about the increase in political violence, including political assassinations, in El Salvador and underscored the need to ensure full implementation of the recommendations by the Commission on the Truth.

20. The European Union condemned the recent coup d'état in Nigeria and called for the re-establishment of democratic institutions and full respect for human rights and fundamental freedoms. In Zaire, the deterioration of the situation, including the halting of the democratic process and repeated human rights violations, was alarming. He hoped that the adoption of Commission on Human Rights resolution 1993/61 on the situation in that country would make it possible to monitor closely the serious violations of human rights and fundamental freedoms in Zaire. He strongly condemned the military coup d'état and the inter-ethnic conflict in Burundi, which had caused innumerable deaths and a massive exodus, and underscored the need to restore constitutional order, respect democracy and achieve national reconciliation there.

21. The European Union urged the Government of Equatorial Guinea to cooperate fully with the Special Rapporteur in view of the serious human rights situation there. The arbitrary arrest, torture and harassment of members of the opposition were continuing. Serious doubts had arisen about the electoral process in that country, where freedom of expression was not guaranteed.

22. He urged all the parties to the conflict in Liberia to bring about a political settlement as soon as possible and ensure respect for human rights. The European Union underscored the importance that it attached to the search for a lasting political solution in Somalia, in full cooperation with the United Nations. It welcomed the progress made by the Organization in the humanitarian field and continued to support the efforts of UNOSOM to promote dialogue between the political factions.

23. The European Union supported the efforts by the Secretary-General to resolve the question of East Timor and stressed the need for a dialogue between Portugal and Indonesia under his auspices. The International Committee of the

(Mr. Van Craen, Belgium)

Red Cross (ICRC) must be allowed to visit the political prisoners in that country. The European Union was concerned about the reports of the continuing human rights violations in East Timor and stressed the importance of speedy implementation for Committee on Human Rights resolution 1993/97.

24. The European Union remained deeply concerned about the human rights situation in China, including Tibet: particularly the holding of political prisoners; violations of the freedom of expression and of the right to demonstrate; and the measures taken against members of the political opposition. The repression of ethnic, cultural and religious groups was deplorable. The European Community took note of the invitation by the Government of China, addressed to the International Committee of the Red Cross, and hoped that ICRC representatives would have access to all detention centres.

25. The violence affecting Kashmir and the ongoing deterioration of the human rights situation in that region remained a source of profound concern. While it was true that terrorist violence must be dealt with firmly, the Indian security forces must nevertheless respect the law.

26. The continuing reports of human rights violations in Sri Lanka were alarming. The European Union condemned the use of violence by the Liberation Tigers of Tamil Eelam and urged the Government of Sri Lanka to put an end to those violations.

27. Lastly, he expressed regret that some Governments continued to violate the most basic human rights and invoke the principle of national sovereignty in order to avoid sanctions. All States without exception must undertake the task of promoting and protecting all human rights.

28. Ms. MANSARAY (Sierra Leone) underscored the universal nature of all human rights and stressed that their promotion and protection was the primary responsibility of Governments. The promotion of human rights must be linked to the right to economic development. The struggle for development and economic emancipation was at the heart of her country's national efforts to put an end to the grinding poverty in Sierra Leone. In that connection, she underscored her Government's commitment to the Vienna Declaration and the Declaration on the Right to Development.

29. Discrimination against girls, which prevented equal access to education, health care and legal protection, was a major human-rights problem, the solution of which would enhance women's key role in development. The alarming acts of violence committed against girls and women required a firm response on the part of the international community. Since human rights encompassed not only political and civil rights, but also economic, social and cultural rights, there was a need to devise a strategy to protect the rights of disadvantaged groups. Extreme poverty limited the individual's ability to participate and assert his rights, even in a democratic society. Children were the main victims of economic reform in many developing countries. The problems affecting children must be solved by protecting their rights.

(Ms. Mansaray, Sierra Leone)

30. Respect for human rights was the key to democracy and development. The human dimension of development should be given close attention. Human rights were indivisible and could not be divorced from social stability. The United Nations must include the said dimension in all its programmes. Preventive diplomacy must be used to avert massive violations of human rights.

31. Mr. GRANQVIST (Sweden) said that the protection of human rights everywhere was a legitimate concern of all States and the international community as a whole. Despite increased awareness and acceptance of human rights and democracy, flagrant violations of those rights and humanitarian law were a tragic reality for millions throughout the world. Universal ratification of the major international human rights treaties must continue to be a priority. Ratification must be followed by effective implementation which, regrettably, was compromised by an increasing number of far-reaching reservations. An alarming number of reservations were, in form or substance contrary to international treaty law and raised doubts as to whether adherence with such limitations should be considered valid. His Government strongly objected to such reservations and would seriously consider whether to accept the entry into force of treaties between Sweden and States expressing reservations under those terms.

32. The various reports by the Special Rapporteurs showed that the most atrocious violations of human rights - torture, political killings and disappearances - were continuing. In Iraq, the Government was continuing its violent persecution of the population in the southern marshlands and the blockade against the Kurds in the north. Arbitrary and extrajudicial executions, torture and other grave human rights violations were still being carried out on a massive scale. The blatant unwillingness of the Iraqi Government to respond in substance to inquiries by the Special Rapporteur on the situation of human rights in Iraq was deeply disturbing.

33. The human rights situation in Myanmar continued to cause serious concern. In spite of some positive steps by the Government, the overall picture remained critical. The violent repression of ethnic and religious minorities and opponents of the regime must cease. In Haiti, the number of killings and disappearances attributable to the military leadership and security forces had recently increased. Sweden called upon those leaders to respect the Governors Island Agreement and make it possible to establish democratic rule as soon as possible. Sweden considered Security Council resolutions on the situation in Haiti very important and commended the efforts by the Special Representative of the Secretary-General.

34. The resurgence of political violence in El Salvador was regrettable in view of the hope inspired by the peace process there. The recommendations of the Commission on the Truth should be implemented; the Government should prevent human rights violations carried out by the so-called death squads; and an end put to impunity. In Guatemala, political killings and disappearances were continuing. He hoped that the new Government in that country would take forceful measures to prevent violence. A peace accord, including an agreement on human rights issues, was essential to improve the situation and it was hoped that negotiations would resume as soon as possible.

(Mr. Grangvist, Sweden)

35. The continuing violence and deteriorating human rights situation in Kashmir had given rise to serious concern. The parties involved must endeavour to achieve a peaceful settlement and ensure greater respect for human rights. While Sweden welcomed the steps taken by the Government of Turkey in the legislative field, the prevailing violence and practice of torturing persons in custody still gave rise to grave concern.

36. The abolition of the death penalty worldwide was an issue of fundamental importance. His Government appealed to those States that had not yet done so to adhere to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. In the interim, sentences should not be carried out. Instances where countries had reinstated or expanded the applicability of capital punishment were deplorable.

37. Freedom of thought, conscience and religion was the very basis of human dignity and must be protected. In the Islamic Republic of Iran, the suppression of that freedom took particularly grave forms. There were continuing reports of executions without due process, torture and political detention. Systematic discrimination and instances of persecution of members of religious minorities, notably the Baha'i community, were deeply worrying. Sweden shared the very deep concern expressed by many Governments at the death threat against Mr. Salman Rushdie, which was an unacceptable breach of the basic principles of international law. The Government of the Islamic Republic of Iran should unequivocally disassociate itself from what amounted to incitement to murder and should remove the threat against Mr. Rushdie and other persons associated with the publication of his works.

38. The human rights situation in China was particularly precarious with regard to freedom of thought, assembly and expression. It was deeply reprehensible that citizens advocating democracy and human rights were imprisoned for political reasons and without guarantees of due process. Sweden deplored the repression of ethnic and religious groups and was deeply concerned about the extensive application of the death penalty in that country. His Government's serious concern also related to the human rights situation in Tibet.

39. Sweden was alarmed about the instances of severe maltreatment of dissidents in East Timor. In Cuba, systematic violations of the freedom of expression and association continued unabated and arbitrary detention and harassment were used to intimidate peaceful proponents of human rights and democracy. Conditions in prisons and the treatment of prisoners were well below acceptable standards. He urged the Cuban Government to start cooperating with the Special Rapporteur. Arbitrary arrests, torture and other forms of intimidating the opposition in Equatorial Guinea had given rise to serious concern for his Government and cast serious doubt on the conditions for the electoral process.

40. The role of non-governmental organizations in promoting and protecting human rights was crucial. Sweden called for continued dialogue and cooperation between Governments and those organizations. It was tragic that as apartheid was being dismantled in South Africa, the world was witnessing increased ethnic tension, xenophobia and racist attitudes in other areas. Massive violations of human rights and humanitarian law were continuing in the territory of the former Yugoslavia. The perpetrators of "ethnic cleansing", rape and other grave

(Mr. Granqvist, Sweden)

breaches of humanitarian law must be brought to justice. Sweden therefore welcomed the establishment of the International Tribunal to deal with war crimes carried out in the former Yugoslavia. The resurgence of various forms of xenophobia, including anti-semitism, in many countries of Europe and the former Soviet Union, must be checked. Governments had a responsibility to develop clear policies to counter such manifestations among groups and individuals.

41. The upsurge in ethnic tension and the increasing number of conflicts involving national minorities were among the greatest threats to international peace. Full compliance with human rights obligations could resolve or improve many of those situations. National implementation of existing human rights standards relating to minorities should be a priority; further measures should be taken to eliminate discrimination against indigenous populations and should promote United Nations involvement in issues concerning them.

42. Millions of children in all parts of the world were starving and the victims of sexual and economic exploitation. Children were most vulnerable during armed conflicts. The hostilities in Angola, Somalia, Liberia and the Sudan showed the appalling suffering inflicted on children. The continued use of children as members of the armed forces must be unequivocally condemned. The legacy of the exploitation of child soldiers in the conflict in Mozambique would take years to overcome. Sweden strongly supported the request by the Committee on the Rights of the Child that the Secretary-General undertake a study on that question and welcomed the draft optional protocol drawn up by that Committee to raise the minimum age for recruitment of children into the armed forces.

43. Discrimination against women was endemic to most societies. Violence against women occurred on a daily basis in almost all countries of the world. The adoption of the draft declaration on the elimination of violence against women was an important achievement in raising awareness in that regard. The adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities was an important step in enabling the disabled to exercise their human rights on an equal basis with others.

44. To be truly universal, human rights must afford protection to all, irrespective of race, nationality, religion, gender or age. Governments must actively protect all persons, on an equal basis and without discrimination, from encroachments by individuals or groups. The interrelationship between development, democracy and human rights was a forceful argument for Governments to mobilize resources for protecting human rights. Where limited resources were an obstacle, the international community should take action to help individual States fulfil their commitments.

45. The United Nations must be given the means to promote all human rights. Sovereignty could no longer be invoked as an argument against international action to protect human rights when a Government failed to carry out its obligations. The Organization's human rights machinery must be improved in order to meet current and future needs. The Special Rapporteurs, working groups and treaty-monitoring bodies carried out indispensable work in that regard and must be given the necessary political and financial support.

(Mr. Granqvist, Sweden)

46. Lastly, the establishment of the post of a High Commissioner for Human Rights would reflect the priority accorded by the United Nations to that field. It was imperative that the General Assembly should respond to the political momentum and expectations created in that connection at the Vienna World Conference on Human Rights.

47. Mr. MARRERO (United States of America) said that his country had always endeavoured to live up to the ideals of the Universal Declaration of Human Rights and had tried to encourage other nations to do the same. Sadly, gross violations of human rights persisted around the world as the unspeakable acts that continued to plague the people of Bosnia and Herzegovina and Croatia demonstrated. The lion's share of the atrocities committed were the responsibility of the Serb leaders in Serbia, Bosnia and Croatia. In that connection, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 must prosecute, to the fullest extent possible, all those who were responsible for ordering and carrying out those crimes against humanity.

48. Human rights continued to be violated in Somalia where the United States, along with other nations, had contributed millions of dollars in humanitarian aid as well as the lives of its servicemen. He hoped that the basic right to life would be guaranteed for every person in Somalia although it was the Somalis themselves who must take the lead in guaranteeing that right. The United States and the international community were also undeterred in their commitment to bring democratic rule to Haiti and to help Haitians create institutions they could trust.

49. Cuba remained a tragic and dark exception to the democratic trend in Latin America. Its Government continued to deprive citizens of their rights to speak and associate freely, while the Cuban navy enforced a "floating Berlin Wall" arresting or killing those who tried to flee the island. He urged the regime to loosen its stranglehold on basic freedoms and to allow the Special Rapporteur to visit the country in order to fulfil his mandate. Since the Burmese regime continued to deny basic freedoms to the Burmese people, and there was a clear connection between arms purchases and continuing human rights violations, his Government had imposed a voluntary arms embargo against Burma and urged all States Members of the United Nations to do the same.

50. The Iranian Government continued to violate human rights on a massive scale including the use of summary executions and widespread torture. In Iraq, the regime was draining the southern marshes, burning villages and attacking civilian centres with artillery. The United States was also greatly concerned about the situation in the Sudan where extrajudicial killings and other abuses had been reported. Serious human rights violations were also occurring in Burundi, Chad and Equatorial Guinea. Although Mauritania had made some progress towards democracy, more needed to be done there.

51. China's practices remained repressive, falling far short of international norms. The security forces had been responsible for torture and arbitrary arrests. China must ensure that forced abortion and mandatory sterilization were not part of its family planning policies.

(Mr. Marrero, United States)

52. Fortunately, there were signs of progress. In that connection, he lauded the signing of the Declaration of Principles on Interim Self-Government Arrangements by Israel and the Palestine Liberation Organization, the political transition under way in South Africa, the democratic and human rights revolution in Cambodia and the significant progress in human rights reform in Sri Lanka. While there had been impressive advances towards peace and reconciliation in El Salvador as a result of the key role played by the United Nations Observer Mission in El Salvador (ONUSAL), there was concern over the recent murders of members of the Frente Farabundo Martí para la Liberación Nacional (FMLN) which the Government of El Salvador must investigate. Russia's historic transformation was a source of hope. Fortunately, there were more protectors and guarantors of human rights than there were sinister figures trying to take them away.

53. Mr. BRAHA (Albania) said that, as the process of democratization and the legislative reforms implemented over the previous two years showed, his country was firmly committed to the protection of human rights and fundamental freedoms. While there had been an increased international concern for the respect of human rights, violations thereof were on the rise in many parts of the world particularly in Bosnia and Herzegovina, Somalia, Liberia and Haiti.

54. The conflict in Bosnia and Herzegovina had shocked the entire world. Serbian aggression against Bosnia and Herzegovina had resulted in the deaths of about 200,000 people, millions of refugees and destruction of the nation's wealth. It was regrettable that the international community had failed to react to Serbian aggression and that the arms embargo had prevented the Muslims from defending themselves, thus enabling Serbia to continue its policy of "ethnic cleansing". In that connection, the establishment of the International Tribunal would help to restore justice and soothe the international community's outraged conscience.

55. Serious human rights violations were also occurring in Kosovo, Sandzak and Vojvodina. As for Kosovo, the situation there was like "a typical colonial situation" since Slobodan Milošević had embarked upon the creation of a "Greater Serbia" based on the forceful domination of other peoples of the former Yugoslavia by the Serbs. The Albanian majority in Kosovo had been subjected to general repression and Serbian brutality had caused the deaths of several persons. The efforts of the international community to monitor the situation had been thwarted by the Belgrade authorities which expelled the monitoring missions of the Conference on Security and Cooperation in Europe (CSCE).

56. The policy of discrimination, particularly with respect to education, health care and information in the Albanian language, coupled with massive and brutal police repression and general economic repression had led to continuous "ethnic cleansing" against Albanians. Consequently, over 300,000 Albanians had left Kosovo over the past three years. The grave human rights situation in Kosovo and the general terror to which the Albanian population was subjected might turn into an open conflict at any time. Helsinki Watch had warned that Kosovo might be the next scene of bloodshed in the Balkans.

(Mr. Braha, Albania)

57. The United Nations must immediately ensure an adequate presence to investigate and monitor the deteriorating situation in Kosovo to prevent it from escalating into a conflict that would threaten the security of Europe. It must, in particular, prevent the emergence of human rights violations through the establishment of early-warning mechanisms, take proper actions once serious human rights situations arose with a view to preventing further escalation and take proper action in the humanitarian field, if necessary, in order to prevent the emergence and/or escalation of humanitarian crises.

58. Mrs. BENNANI (Morocco) said that, although the question of human rights was a priority item on the international agenda and most Governments were striving to promote and defend human rights, the obstacles to attainment of those goals required special attention and international cooperation in a number of areas. Such cooperation was particularly important since the world was going through a period of conflicts, confrontation and attempts to derail the process of democracy accompanied often by violence and terror, and denial of elementary human rights such as the rights to life, dignity and security.

59. The peaceful coexistence of various communities and ethnic or religious groups was jeopardized by mindless and violent racism. Considering the great scientific and technological progress that had been made in recent years, it was inconceivable that millions of people were still dying of such things as hunger and easily curable diseases, and that actions such as the illegal trafficking of organs still took place.

60. She welcomed the consensus of the Vienna World Conference on Human Rights with respect to development, democracy and human rights. Everything possible must be done to guarantee the universal implementation of human rights.

61. In that connection, the developing countries that had embarked upon a path of democracy and promotion of human rights depended to a large extent on the representatives of the authorities, particularly the police and the judiciary. It was public knowledge that the police in developing countries were badly trained, poorly equipped and badly paid. Yet, it was those very representatives of the authorities and police who must respect and ensure respect for human rights. The judiciary was also paid a pittance. Prisons lacked resources, were run down, overpopulated and therefore offered very little comfort for prisoners. Those who advocated respect for human rights should demonstrate their solidarity by providing the financial, material and technical assistance to Governments that wanted to promote human rights.

62. Morocco had, under a policy elaborated by His Majesty the King, implemented a number of legislative, administrative and educational measures recommended by the Consultative Committee for Human Rights established in 1990. Those measures included instruction in human rights and in the international conventions to which Morocco was a party in training institutions. In 1992, the people of Morocco had approved the revision of the Constitution which solemnly and explicitly proclaimed the commitment of the Kingdom of Morocco to universally recognized human rights.

(Mrs. Bennani, Morocco)

63. In June 1993, Morocco had ratified the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It had also acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

64. The protection of human rights should therefore be respected by everyone without any exception. No political or other considerations should be advanced to justify doing nothing for people who were persecuted, massacred or threatened with extermination.

65. The question of establishing a post of High Commissioner for Human Rights should not be controversial if an in-depth study on existing machinery demonstrated that such a post was necessary to strengthen the promotion of all human rights. Implementation of the right to development must be included in the High Commissioner's mandate. Despite unanimous support for the need to strengthen the Centre for Human Rights, agreement had not been reached about solutions to the Centre's considerable budgetary, material and human resources problems. All countries, particularly those which made human rights their strong suit, should translate their words into deeds.

66. Her delegation hoped that the latest report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia would be circulated as an official document of the Third Committee.

67. Mr. SACIRBY (Bosnia and Herzegovina) said that his delegation lamented that Mr. Tadensz Mazowiecki, the Special Rapporteur who had prepared the report on the situation of human rights in the territory of the former Yugoslavia (A/48/92), had not been invited by the Commission on Human Rights to address the Third Committee. In the past, his comments had proved especially useful to the international community. In, for instance, A/47/635, he had said that ethnic cleansing did not appear to be the consequence of the war, but rather its goal. In A/47/666 he had remarked that another factor which had contributed to the intensity of ethnic cleansing in areas under Serbian control was the marked imbalance between the weaponry in the hands of the Serbian and the Muslim populations of Bosnia and Herzegovina. In the conclusions to that report, he had stated that the crisis in Bosnia and Herzegovina was not a religious conflict, but one which was formulated by certain nationalist groups and parties in order to further their own political and material interests. His delegation deemed that, if those conclusions had been taken seriously, the war in Bosnia and Herzegovina would not still be raging. Lastly, it supported the proposal of Morocco that the report of the Special Rapporteur should be distributed to the General Assembly as an official document.

68. Mr. AL-DOURI (Iraq), exercising the right of reply, said that certain delegations, such as those of the European Community, Sweden and the United States of America, had spoken of Iraq undiplomatically, and that the United States had gone so far as to name the head of another State. Such arrogance required, however, no reply, but the reference to the north of Iraq was amazing: the allies had failed to install economic security in the north of Iraq, and were laying the blame for that failure on Iraq, but since there was no Iraqi

(Mr. Al-Douri, Iraq)

authority, the absence of economic security could not be considered the responsibility of Iraq. He further reiterated that the citizens of the north had acquired their rations in the same way as had all other Iraqis.

69. Furthermore, the problem with the Arabs in the marshlands region of the south of Iraq was entirely fabricated to mask the real problem, i.e. the crime committed in the name of the United Nations against Iraq. A campaign was being waged against Iraq to cover up the vast crime perpetrated against the entire Iraqi people, namely, the crime of an economic siege. Supported by the United States of America and certain European countries, that economic blockade was the crime that was killing Iraqis. If the findings of the Special Rapporteur and the statements of delegations were to be taken seriously, the numbers of displaced persons would add up to hundreds of thousands or even a million, but all such people were nowhere to be found. Even according to the Special Rapporteur, those figures could not be verified. Iraq appeared to be a pawn in an international political game motivated by minor stooges of foreign intelligence agencies seeking to play into the hands of major Powers, which had no real interest in human rights.

70. Mr. FERNANDEZ PALACIOS (Cuba), exercising the right of reply, said that the statement of the United States of America was further proof of its plan to use human rights as part of a destabilization campaign against Cuba. Indeed, that country used every opportunity to attack Cuba: its intervention had used language reminiscent of the cold war, and it plainly falsified the reality of Cuba. The reference to illegal immigration was particularly hypocritical, since it was owing to the failure on the part of the United States of America to abide by the existing immigration agreements, indeed, its blocking of the proper legal channels, that had caused the problem of illegal immigration in the first place. The United States of America must halt its aggressive and hostile policy, including its position on immigration, the granting of visas and human rights, against Cuba.

71. Furthermore, Cuba wished to reiterate the reply it had made to the report of the Special Rapporteur on every point.

AGENDA ITEM 111: ADVANCEMENT OF WOMEN (continued)

Introduction of draft resolutions A/C.3/48/L.30, L.31, L.32, L.33, L.34 and L.35

Draft resolution A/C.3/48/L.32

72. Mrs. SHERMAN-PETER (Bahamas), introducing the draft resolution on behalf of its sponsors, said that China and Tanzania had also joined as sponsors.

Draft resolution A/C.3/48/L.30

73. Mr. NIETO (Argentina), introducing the draft resolution on behalf of its sponsors, said that a number of other countries had joined as sponsors, namely, Afghanistan, Brazil, China, Indonesia, Kenya, Myanmar, New Zealand and Venezuela. Certain English-speaking delegations had pointed out problems in the English version of the text, and that language adjustments had been made accordingly which did not in any way alter the substance of the resolution. In

(Mr. Nieto, Argentina)

operative paragraph 2, the word "thereby" should be replaced by "thus", and the word "their" should be stricken. In operative paragraph 3, the word "women", when first used, should be replaced by "gender". In operative paragraph 4, the final phrase "and its expertise in statistics pertaining to women", should be changed to read "and its expertise in gender statistics", deleting the phrase "pertaining to women". In operative paragraph 6, the words "ensuring ... impact", should be replaced by the phrase "attaining a greater outreach and impact of its work".

Draft resolution A/C.3/48/L.31

74. Mr. TROTTIER (Canada), introducing the resolution on behalf of both the original sponsors and the additional new sponsors (Albania, Bangladesh, Indonesia, Ireland, Liechtenstein, Myanmar, Philippines, Poland, Portugal and Senegal), said that the wording of the resolution had remained essentially as adopted by the General Assembly at its forty-seventh session. The major change was the direct reference to the focal point for women currently functioning within the Secretariat.

75. Mrs. CASTRO de BARISH (Costa Rica) said that her country wished to add its name to the list of sponsors in draft resolution A/C.3/48/L.31.

Draft resolution A/C.3/48/L.33

76. Ms. ARIAS (Colombia) introduced the draft resolution on behalf of the Group of 77 and China, adding that various changes had been made in the text: on page 6, in paragraph 23, the words "to support the convening" should be changed to read "to lend support to the convening". In paragraph 24, the words "from within existing resources" should be added after the word "Secretary-General". In paragraph 26, the word "active" should be added between the words "more" and "important" and the phrase "and to appeal" should be changed to the phrase "in appealing". In paragraph 30, the words "taking into account CSW resolution 37/7", should be added after the word "Decides". On page 8, in subparagraph (f), the words "be eligible to apply for accreditation to" should be replaced by the words "attend all future sessions and".

Draft resolution A/C.3/48/L.34

77. Mrs. ENKHTSETSEG (Mongolia), introducing the draft resolution on behalf of its sponsors, said that the latest available data showed that the numbers of rural women living in poverty in the developing countries had increased by almost 50 per cent over the past 20 years. The draft resolution included the urgent need to improve their situation. The primary responsibility for improving the situation of rural women lay, of course, with Governments themselves, and the draft resolution therefore invited Member States to take account of rural women in their national development strategies.

78. He pointed out that, in preambular paragraph 5, the phrase "noting with deep concern" had been replaced by the word "recognizing" and moved to line 3, after the word "and", adding that several other delegations had also joined as sponsors: Ethiopia, Kyrgyzstan, Lesotho, Myanmar, Pakistan and Panama.

Draft resolution A/C.3/48/L.35

79. Mrs. LIMJUCO (Philippines), introducing the draft resolution on behalf of its sponsors, said that it did not seek to ascribe blame but rather invited countries of origin and receiving countries to cooperate in a search for solutions. Although hopeful signs had emerged in the previous year, much remained to be done. She drew the attention of the Committee to a change made on page 2, in operative paragraph 4: the word "should" had been inserted between the words "women" and "form", adding that Myanmar and Spain had joined the list of sponsors.

The meeting rose at 6.10 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Wednesday, 24 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.20 a.m.

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, A/48/298, A/48/299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, A/48/526 and Add.1, A/48/561, A/48/562, A/48/570-S/26686, A/48/577; A/48/578, A/48/579, A/48/584, A/48/600 and Add.1, A/48/601; A/C.3/48/9 and A/C.3/48/13)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, A/48/156, A/48/208, A/48/220, A/48/223, A/48/259 and A/48/511)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. YOKOTA (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar), speaking under agenda item 114 (c), said that, in application of his mandate, which had been extended for one year by the Commission on Human Rights in its resolution 1993/73 of 10 March 1993, he had worked to establish or continue direct contacts with the Government of Myanmar in order to assess the situation of civil, political, economic, social and cultural rights in that country. The Government of Myanmar had expressed its willingness to cooperate with the United Nations. It had submitted detailed information in response to a memorandum written by the Special Rapporteur and transmitted to the Minister of Foreign Affairs of the Union of Myanmar. That memorandum contained various allegations regarding arbitrary detention, torture, disappearances, summary or arbitrary executions and inhumane treatment of repatriated Muslims in Rakhine. The Special Rapporteur had also requested, in that memorandum, information regarding labour rights, rights of the child, the National Convention for the drafting of a new democratic constitution,

(Mr. Yokota)

citizenship laws and steps to improve human rights, as well as regarding social, cultural and economic rights. That memorandum was reproduced in chapter II, and the response by the Government of Myanmar in chapter IV, of the interim report of the Special Rapporteur (A/48/578).

2. At the invitation of the Government of Myanmar, he had visited that country from 9 to 16 November 1993. He had met there a number of high government officials, spoken with two political leaders and visited several sites, including a prison. He thanked the Government of Myanmar for its hospitality. However, he regretted that he had not been able to meet Daw Aung San Suu Kyi nor, despite his repeated requests, to hold meetings in his office or residence with the leaders of the main political parties, including those of the National League for Democracy, which had won a landslide victory in the May 1990 elections. He had also been unable to see other detained or recently released political leaders, or their lawyers and members of their families, as they feared subsequent repercussions.

3. He thanked the office of the United Nations Development Programme in Yangon for providing him with an office, accommodation and local transportation during his stay.

4. Following his trip to Myanmar, he had visited Thailand from 16 to 20 November 1993 to obtain information regarding the situation of human rights in Myanmar from refugees from that country, United Nations staff, staff members of non-governmental organizations working in the area of human rights and humanitarian aid, and other individuals able to provide him with firsthand information. On the basis of the direct and reliable information received from various sources, he had been able to ascertain certain developments which could lead to improvements in the situation of human rights in Myanmar.

5. On 5 November 1993, a memorandum of understanding had been signed between the Government of Myanmar and the Office of the High Commissioner for Refugees, which was intended to ensure the voluntary and safe return of more than 200,000 Myanmar refugees still in Bangladesh. The Government of Myanmar had recently decided to withdraw its reservations relating to articles 15 and 37 of the Convention on the Rights of the Child, to which it had acceded in July 1991. It had begun to work with the International Committee of the Red Cross to organize seminars to familiarize military officers with international humanitarian law and the four 1949 Geneva Conventions, to which Myanmar had acceded in August 1992. The Minister for Information had decided to have the Universal Declaration of Human Rights translated into Burmese and to ensure its widespread distribution, in particular to all the delegates to the National Convention.

6. Despite those encouraging developments, there continued to be serious restrictions and grave violations of human rights and fundamental freedoms in Myanmar. Although some 2,000 political leaders had been released from prison since 1992, 500 continued to be in prison or under detention, including Daw Aung San Suu Kyi who had been under house arrest for more than four years without a trial. Many civil and political rights were still severely

(Mr. Yokota)

restricted. The right to life, liberty and security of person, the right not to be subjected to slavery, torture or inhumane treatment and freedom of thought, opinion, expression, peaceful assembly and association were widely violated. Individuals were condemned to forced labour and forced relocation, and political activities were repressed. Even the National Convention did not seem to indicate the evolution towards multiparty democracy announced by the Government. Some 20 political leaders had been newly arrested and had, in certain instances, received severe sentences in connection with their activities related to the National Convention. Various reliable sources had informed the Special Rapporteur of a number of cases of torture, killings, rape and other instances of inhumane treatment of women, and of disappearances. Those acts appeared to be most frequently committed by the army in the border areas, during military operations or forced relocations of ethnic minorities, many of whom were peasants, labourers and other peaceful civilians.

7. Those observations were preliminary in nature. His conclusions would be reflected in a report which he would submit to the Commission on Human Rights at the beginning of 1994.

8. Mr. CASTELLON DUARTE (Nicaragua), speaking under agenda item 172, said that the accession of Mrs. Violeta Barrios de Chamorro to the presidency of the Republic of Nicaragua, and the holding of the World Summit for Children in 1990 were two events that had cast a ray of hope on the future of more than 600,000 Nicaraguan children and adolescents who had been living in especially difficult circumstances since the events of the 1980s. All segments of Nicaraguan society, in particular organizations working with young people, were aware of the need to rescue them from violence, ignorance and poverty. Such action was all the more urgent as some adolescents had grown up knowing only anxiety, hatred and violence, which could very well affect their future behaviour. In addition to the after-effects of the war, there had been natural disasters and the burden of Nicaragua's external debt, the highest in the world per inhabitant which the country was currently repaying at the expense of its social and economic development and the well-being of its youth. Faced with that troubling situation, measures were needed, particularly in the area of employment, if democracy, peace and social justice were to be consolidated in Nicaragua.

9. Aware of those problems, the Nicaraguan Government had created, in 1990, a national commission for the protection of Nicaraguan children which had the specific job of supervising the concrete application of the Convention on the Rights of the Child. Mrs. Violeta Barrios de Chamorro had recently reiterated her Government's commitment in that area at the New York celebration of the third anniversary of the World Summit for Children. The same national commission had drawn up a five-year plan of action (1991-1996) which targeted children living in especially difficult circumstances. For its part, the Legislative Assembly, through the Commission on children, youth, women and the family, was currently reviewing legislation dealing with children and adolescents in order to make it consistent with the provisions of the Convention. In that regard, Nicaragua wished to receive greater support from the specialized institutions of the United Nations, in particular UNICEF.

(Mr. Castellon Duarte, Nicaragua)

10. Despite the difficulties it had encountered, Nicaragua had succeeded in reducing the mortality rate among young children, developing its school food programme and, in so doing, had significantly increased attendance in preschool programmes.

11. Pursuant to article 44 of the Convention on the Rights of the Child, Nicaragua had recently presented its first report on the rights of the child in Nicaragua, after conducting a survey in which both government agencies and non-governmental organizations had participated. Nicaragua was in general endeavouring to adapt its legislation in the areas of childhood and the family to the provisions of the Convention. If the country returned to the path of economic growth and benefited from international solidarity, the quality of life of the Nicaraguan population should rise, and that should be reflected in the social indicators.

12. While Nicaragua had been gradually surmounting the problems it faced in the aftermath of its war, of which children were the principal victims, the same could not be said for Bosnia and Herzegovina, where no ray of hope could be glimpsed. His delegation was convinced that the international community should explore ways of ending the holocaust in that country. It likewise stressed that the United Nations must take vigorous and immediate action to halt the horrifying practice of selling the organs of children.

13. In conclusion, the Governments of countries where violent conflicts had occurred should take immediate measures, with the support of international bodies, to encourage democratic values and practices, to punish recourse to violence severely, and to promote absolute respect for human life and tolerance.

14. Mr. TORELLA DI ROMAGNANO (Italy), speaking on agenda item 114 (b) and referring to the question of minorities, said that the problems associated with minority groups had on various occasions disturbed the domestic affairs of countries as well as relations among States. A number of international organizations, especially in Europe, had recently focused that question, with a view to contributing to the political stability of States. It was not mere chance that the international community had also deemed it urgent, two years previously, to speed up the drafting of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly, on 16 December 1992 in resolution 47/135.

15. The importance of that Declaration lay primarily in its clarification of possible misunderstandings as to the status of national minorities and persons belonging to them. It clearly indicated that the status and aspirations of minorities should not be confused with those of peoples, in that only the latter were allowed to exercise the right to self-determination under international law. In that regard, it should be recalled that the principle of self-determination had been established, in United Nations practice, in the context of the liberation of peoples from colonialism and foreign domination. Consequently, the protection of groups and minorities established within a State as well as of persons belonging to them bore no relation to the right to self-determination. Widening the scope of that right to justify any claim to

(Mr. Torella di Romagnano, Italy)

autonomy on the part of a minority would compromise the stability of States as well as peaceful relations among them. In his statement to the General Assembly, the Italian Minister of Foreign Affairs had observed that the territorial integrity of the State had too often been contrasted with the rights of minorities.

16. In that context, his delegation stressed the need to recognize the ethnic, cultural, linguistic and religious identity of minorities within the societies in which they lived. It pointed out that, as stipulated in paragraph 3 of article 2 of the Declaration, "persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation".

17. The implementation of that provision could require the adoption of measures at the local level, and also international cooperation. An example was the manner in which the Italian Government had found satisfactory solutions to the problem of linguistic minorities living in Italian territory: in particular, the Governments of Italy and Austria had agreed to recognize the autonomous status of the German-speaking minority of Alto Adige (South Tyrol), thereby putting an end to a dispute on that matter and providing a model for the elaboration of measures concerning the protection of minorities within CSCE.

18. The World Conference on Human Rights had taken the same approach. The Programme of Action adopted there recommended the adoption of measures to facilitate the full participation of minorities in all aspects of political, economic, social, religious and cultural life, and in the economic progress and development of their countries (A/CONF.157/24, para. 27).

19. His delegation considered it desirable that concerned States, along with the relevant United Nations organs and bodies, should bear those guidelines in mind.

20. His delegation, which had fully cooperated in the elaboration of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, was ready to consider any concrete proposal aimed at promoting and implementing it. The application of the principles enshrined in that instrument would contribute towards removing one of the causes of tensions in the international arena.

21. Mrs. AL-HAMAMI (Yemen) said that the World Conference on Human Rights and the Programme of Action adopted on that occasion had shed light on the complementarity between human rights and the right to development, which required a balanced, just and fair approach to those issues as a whole. Yemen strongly believed that each of the recommendations formulated in the Vienna Declaration should be accorded equal weight, so that it could become the cornerstone for the international community in the area of human rights. As development was an inalienable human right, the international community should create appropriate mechanisms to ensure the protection of that right, and it should encourage international solidarity with regard to accelerating

(Mrs. Al-Hamami, Yemen)

development, especially in the least developed countries, as the sole means of putting an end to tensions and conflicts and maintaining, indeed strengthening peace and international security.

22. Yemen had incorporated into its Constitution the principle of democratic development in which all sectors of the population were involved in the process of planning, implementing and monitoring economic and social development. On the basis of those principles, it had, on 22 May 1990, chosen a multiparty democracy which offered to the whole population all constitutional and legal guarantees for the full enjoyment of basic rights and freedoms, within the context of a constitution adopted by general referendum. Despite the difficulties it was encountering in renewing its economic and social structures, Yemen had been able to strengthen the foundations of democracy and to create a political life based on the principle of peaceful alternation in the exercise of power.

23. The Parliamentary elections by direct universal suffrage held on 26 April 1993 constituted additional proof of Yemen's commitment to human rights and fundamental freedoms. Those elections had been supervised or observed by a large number of representatives of the world's press and international organizations and agencies committed to the spread of democracy. Those observers had confirmed the success and legality of the elections which had been praised by Arab as well as international news media including The New York Times which had devoted an article entitled "A real Arab revolution" to it in its issue of 8 May 1993.

24. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights should serve as the basis for strengthening human rights; it was a matter of according priority to development while respecting national sovereignty and the principle of non-interference in the internal affairs of other States and accepting the fact that nations might have different ideas in many respects, particularly in the judicial and spiritual spheres.

25. Mrs. DE WET (Namibia), speaking on agenda item 114 (b), said that after the First World War it was understood that human rights were vested in the national jurisdiction of sovereign States. However, the Second World War had caused so much suffering and so many deaths of innocent civilians that the international community's attention had once again been drawn to the issue. Since then, numerous instruments on standard-setting norms had been successful.

26. So far as her delegation was concerned, to find a way of ensuring the protection of human beings everywhere was most important. The protection of individual rights must not be seen as contrary to the interests of society. A good society was one which protected the basic rights of individuals including not only civil and political rights, on which the Government must not infringe, but also individual rights to economic, social and cultural well-being which the Government must actively promote. That was why the Vienna Declaration and Programme of Action had reaffirmed that development, democracy and human rights were all equally important for the individual and society. Her Government was also of that view.

(Mrs. De Wet, Namibia)

27. The Namibian Constitution, the country's supreme law, defined the human rights and fundamental freedoms of Namibians. Its principles were reflected in the policy of national reconciliation, the rule of law and multi-partyism which were prime examples of the dedication of Namibia's democratically elected leaders to qualitative changes.

28. However, a constitution was not enough. The creation of equal opportunities for all, job opportunities and the right to a decent standard of living were as important as the right to vote, freedom of speech and religion. That was what the Vienna Declaration and Programme of Action had recognized by unequivocally stating that the right to development was an inalienable human right.

29. The Government of Namibia was committed to establishing the necessary machinery for the promotion and protection of human rights. The Namibian Ombudsman, established by an Act of 1990, was an independent and non-partisan Commissioner appointed by the President on the recommendation of the Judicial Service Commission; he was empowered to investigate complaints relating to injustices committed by government officials and had access to official files and documents and the power to search any government premises. The main duties of the Ombudsman were to combat corruption, irregularities, abuses of power and misuse of government property by government officials; to protect the basic human rights and fundamental freedoms of individuals; and to look after and protect the country's natural resources. The Ombudsman could either act on complaints or on his or her own initiative.

30. There were also a number of non-governmental human rights organizations working in Namibia. They dealt mainly with legal education, disseminated translations of the Constitution in the local languages, provided legal advice and trained paralegal officers to alleviate the shortage of lawyers in Namibia, a problem which many developing countries also faced.

31. Since the Namibian people had been subjected to gross human rights violations without any recourse for many years, one of the country's prime tasks following its independence had been to establish national institutions that would protect and promote human rights. The capacity of States to carry out human rights education must be strengthened. Human rights could be enjoyed and observed only if the beneficiaries were fully aware of and understood their rights. In recognition of the importance of human rights education, the Minister of Justice in conjunction with the University of Namibia had established a Human Rights Documentation and Justice Training Centre. The main function of the Centre would be to train candidates for various legal professions and to conduct training programmes for certain civil servants whose official duties were likely to affect the fundamental human rights and freedoms of individuals, notably immigration, customs, police and prison officers, tax administrators and defence-force personnel. The idea was to help institutionalize a culture of respect for human rights starting with civil servants. The Centre would also provide practical training for law graduates before their admission to the Bar. It could also provide training for private sector personnel because Namibia was convinced that socio-economic development

(Mrs. De Wet, Namibia)

and the building of a democratic society should be the concern of both the public and private sectors.

32. The Centre would also strive to promote respect for human rights by organizing meetings thereon, reviewing the human rights situation in Namibia and in the Southern African region, organizing programmes to motivate various target groups on human rights issues and preparing and disseminating information materials on human rights and related issues. The Centre, which was part of the Law Faculty of the University of Namibia, intended to expand its activities to the whole Southern African subregion. As part of the UNESCO-supported university network (UNITWIN), which encompassed a number of universities in Southern Africa and Europe, the University of Namibia had been given the responsibility of coordinating law and human rights activities.

33. The Estorff National Library in Windhoek had been declared a United Nations depository library, which would immensely enhance her Government's efforts to expand the teaching of human rights in Namibia.

34. In conclusion, she announced that her country had initiated the procedures, required under its Constitution, for acceding to a number of human rights instruments.

35. Mr. ZAMORA (Cuba), speaking on agenda item 172, said that the Group of Latin American and Caribbean States had proposed and secured the inclusion of that item on the agenda of the current session thus making amends for an omission that was difficult to justify. Protection of the rights of the child must be the point of departure for any serious thought on human rights-related issues.

36. The savage individualism and unbridled consumption that characterized developed countries where social inequalities were on the increase, and the serious problems of poverty with which developing countries were grappling combined to create a social climate in which the welfare of millions of children was completely ignored. Unlike even the sudden disasters of drought or famine or flood, or even wars, the death of 35,000 children each day from malnutrition and diseases was not an event that happened in one place at one time. That silent tragedy slipped from the public eye and from the political agenda. The fact that the tragedy facing those children did not make the newspaper headlines did not make it any less tragic.

37. In addition to disease, hunger, poverty and ignorance there were threats of even more degrading activities. Millions of children throughout the world were exploited as a source of cheap labour, hundreds of thousands of other children were the victims of trafficking in organs, sold in fraudulent adoptions or handed over to pornography and prostitution.

38. The extent to which child labour was exploited and the conditions - incredible on the threshold of the twenty-first century - in which the children of migrant workers were forced increasingly to live, should prompt the international community to take more methodical and vigorous action. With

(Mr. Zamora, Cuba)

regard to trafficking in organs, the World Health Organization had recently adopted standards governing organ transplants. However, such standards would not be sufficient to eradicate the problem. For instance, it was an acknowledged fact that legislation in the United States of America and the countries of the European Union allowed for commercial organ transplants, which could facilitate the operations of networks that might at best be termed criminal. The international community must prove that they are monitoring the situation carefully in order to protect the rights of potential victims of such practices, in particular the children, who were the least able to defend themselves.

39. The situation of children exploited for prostitution and pornography was equally a matter of concern. The cities of the developed world provided markets where modern means of communications and advertising were used for such deviant practices to which Governments turned a blind eye. In the developing countries the alarming economic situation and extreme poverty were the reason why many parents were obliged to sell their children.

40. One of the most serious perversions in that area was so-called sexual tourism. Paedophiles from different developed nations travelled to the developing countries in search of children and adolescents. It was worrying to note that certain rich countries in the northern hemisphere were frequently mentioned in reports on such practices that had not so far been checked. Unless the Governments of those countries and the international community adopted vigorous measures to protect the fundamental rights of innocent children, millions of them would continue to be subjected to irreparable harm.

41. The international community had been provided with the means to define immediate objectives in the Declaration adopted by the World Summit for Children, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights. However, such flagrant violations of fundamental rights could not be prevented unless decisive action was taken on a large scale. The mandate of the Special Rapporteur could be extended by requesting him to report on his work to the General Assembly; and the Commission on Human Rights might set up a working group which, together with the Rapporteur and on the basis of the Programme of Action, would be responsible for preventing the sale and prostitution of children and child pornography; it should also look into the possibility of drafting an international convention with a view to bringing an end to such scourges.

42. It was often said that the future lay in the hands of children. It was important to ensure that human values took precedence over political, economic or ideological interests.

43. Mr. GARRETON (Chile), speaking on agenda item 114 (b), said that he would focus on four aspects of the human rights issue, namely the strengthening of the Centre for Human Rights of the Secretariat, enhancing the effectiveness of periodic and genuine elections, the Declaration on the Right to Development and the World Conference on Human Rights.

(Mr. Garreton, Chile)

44. As the General Assembly had recalled in its resolution 47/127, the promotion of universal respect and observance of human rights and fundamental freedoms was one of the basic purposes of the United Nations enshrined in the Charter. The Centre for Human Rights of the Secretariat was the coordinating unit within the United Nations system of bodies dealing with the promotion and protection of human rights. However, the Centre could not always play its rightful role, particularly in connection with the many programmes concerning peace-keeping operations for which its services were not enlisted. The Programme of Action adopted by the Vienna Conference was intended to remedy the situation by recommending the Secretary-General to take greater advantage, with regard to peace-keeping operations, of the experience and skills of the Centre and the United Nations bodies dealing with human rights.

45. As borne out by the Secretary-General's report (A/48/589), the financial resources at the disposal of the Centre did not allow it to fulfil its mandate properly. According to the information available, in the past 13 years its workload had grown from 70 per cent to 1,800 per cent, while the staff had only been increased by 1.3 per cent; moreover the posts corresponding to that increase were temporary. Indispensable activities such as fulfilling the mandates resulting from treaties and missions by experts of the Committee on the Elimination of Racial Discrimination and the Committee against Torture had been financed until 1993 by extrabudgetary funds.

46. The Declaration and Programme of Action adopted in Vienna requested that adequate resources should be allocated to the Centre to cover the expenses incurred by rapporteurs, experts, working groups and treaty-monitoring bodies. Those expenses should be charged to the regular budget of the Organization. The Secretary-General and the Member States must ensure that the Centre was provided with all the budgetary resources needed to carry out the set of tasks entrusted to it by the General Assembly and the Commission on Human Rights, as well as the new mandates resulting from the Vienna Programme of Action. The computerization of the Centre, another essential task, would improve the coordination of these activities, particularly with regard to advisory services.

47. With regard to enhancing the effectiveness of the principle of periodic and general elections, he recalled that human rights and democracy were indissociable and that there could be no democracy without free and periodic elections. It was thus the responsibility of the United Nations to provide electoral assistance to Member States when so requested. In its resolution 47/138, the General Assembly had welcomed the decision of the Secretary-General to designate a focal point for electoral verification and electoral assistance and had requested that such assistance should be continued. Furthermore, in its resolution 47/130, the General Assembly had quite rightly reaffirmed the principle of national sovereignty, by stressing that it was the concern "solely of peoples", and not of Governments, to establish institutions regarding the electoral process. So far none of the electoral assistance provided by the United Nations had infringed the national sovereignty nor constituted interference in the internal affairs of States.

(Mr. Garreton, Chile)

48. The Declaration on the Right to Development, adopted by the General Assembly in 1986, established a close link between development, democracy and the exercise of human rights. Implementation of the right to development was inextricably linked to strengthening the rule of law and democracy. However, the absence of development could not serve as a pretext for curtailing or limiting human rights and fundamental freedoms. The working group, set up by the Commission on Human Rights to identify obstacles to applying the 1986 Declaration, was holding its first session, in which a Chilean representative was participating.

49. It was too soon to assess the historical importance of the World Conference on Human Rights, held at Vienna. The General Assembly should, in accordance with the Conference's request, consider as a matter of priority the question of creating a High Commissioner for Human Rights, a suggestion to which his delegation attached the greatest importance. The High Commissioner would have responsibility for promoting and protecting human rights, coordinating the activities of the relevant United Nations bodies, strengthening advisory services and dealing with all aspects of peace-keeping operations which related to human rights. His terms of reference would be particularly important, since there were always regimes which violated the freedom of peoples with complete impunity.

50. Many other tasks relating to human rights awaited the General Assembly's attention including the proclamation of an international decade of the world's indigenous peoples, extension of the mandate of the Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities, which was currently preparing a draft universal declaration on indigenous rights, and planning the establishment of a permanent headquarters where, as Rigoberta Menchú had suggested, such peoples could make their voices heard. In addition, the General Assembly must adopt a declaration on the elimination of violence against women, measures to improve the protection of children involved in armed conflicts and standards for the equalization of opportunities for disabled persons. Lastly, the General Assembly should not only proclaim a decade for human rights education, but also monitor the implementation of the Vienna Plan of Action closely and mobilize the funds needed for that purpose.

51. Mr. PIRIZ-BALLON (Uruguay), speaking on agenda item 172, recalled that it was the President of his country who had requested the inclusion of the item in the agenda of the current session in the belief that more should be done to ensure the protection of children in armed conflicts and elsewhere. It must be acknowledged that the numerous Security Council resolutions and declarations had not yet led to a solution to the human dramas being played out in Bosnia and Herzegovina and elsewhere. It had not even been possible to protect the civilian population and children under the Geneva Conventions.

52. In his letter on the subject to the Secretary-General the President of Uruguay had quoted passages from the World Declaration on the Survival, Protection and Development of Children and the corresponding Plan of Action, which dealt with the situation of children in armed conflicts. The Convention on the Rights of the Child, too, was concerned with the norms of international

(Mr. Piriz-Ballon, Uruguay)

humanitarian law regarding the recruitment of minors under the age of 15, the protection of refugee children and the particular attention that should be paid to children in armed conflicts.

53. He himself had subsequently been instructed by the President of Uruguay to arrange a meeting of the Group of Latin American and Caribbean States so that the countries of the Group could jointly consider measures that the international community might take to enhance the effectiveness of its activities to help children in armed conflicts. The Group had noted that, with the exception of one resolution on the situation of street children and another one of a legal and technical nature, concerning the status of the Convention on the Rights of the Child, the General Assembly was not dealing specifically with the subject of children, still less the situation of children living in especially difficult circumstances. Yet the statistics provided by various United Nations bodies were truly alarming: 1.5 million children had died as a result of war and - again owing to war - around 20 million other children were physically disabled, confined in refugee camps or homeless. Even that was not all: reports by the special rapporteurs of the Commission on Human Rights indicated that millions of children throughout the world were exploited as cheap labour, while others were used in the trafficking of organs and exploited by child pornography and prostitution.

54. The Uruguayan Government had informed the Secretary-General that it was prepared, to the best of its abilities, to contribute to any effort the United Nations might make to relieve to the fullest possible extent the distress of children suffering the horrors of war and exploitation. As a first step it intended to take in 5 to 10 such children and their close relations. To that end, the Government had been in contact with the relevant bodies in order to begin that operation as soon as possible; such forms of assistance, he was convinced, would become increasingly frequent. He had no doubt that the Secretary-General wanted to do everything within his power to avoid any bureaucratic or financial obstacles that might arise.

55. Ms. RAMIREZ (Panama), speaking on agenda item 114, noted that any violation of human rights or fundamental freedoms was detrimental not only to the individual victims of such violations, but also to institutional stability, constitutional order and the rule of law, since such violations aroused feelings of revenge and led to tit-for-tat reprisals. Whether or not human rights were respected thus affected the whole of society. In most cases, insurrections, rebellions and internecine struggles had their origin in violation of the human rights and fundamental freedoms of large sections of the population. That was particularly true when dictatorships deprived peoples of their sovereignty.

56. Despite the especially difficult circumstances in which democracy had been restored in Panama, the Panamanian Government was attempting to create conditions conducive to respect for human rights. It had recognized the authority of the Inter-American Court of Human Rights and was party to nearly all United Nations and regional human rights instruments, including the Protocol of San Salvador and the protocol on the abolition of capital punishment. Panama had also signed a cooperation agreement with the United Nations Latin American

(Ms. Ramirez, Panama)

Institute for the Prevention of Crime and Treatment of Offenders. Furthermore, the legislative assembly was actively considering accession to The Hague Convention on the Civil Aspects of International Child Abduction and the Agreement on the fund for the development of the indigenous peoples of Latin America and the Caribbean.

57. One of the main human rights problems in Panama was prison overpopulation, as a result of which the prison system was incompatible with the principles enshrined in the country's Constitution. For that reason the Government had launched a programme to modernize and expand penal establishments, particularly in the provinces, and sought to ensure that prisoners, especially those in pre-trial detention, could live near their families. Another problem was the slowness of legal procedures. In an effort to remedy that state of affairs the Government had taken a number of measures, such as increasing the number of officially appointed lawyers from 8 to 32. In addition, in view of the extent of juvenile delinquency in Panama, there had been major reforms to the relevant legislation and to the administration of the Juvenile Court.

58. Looking ahead to the elections scheduled for the following year, Panama had adopted a new electoral law to prevent the use of public funds for political purposes and to protect the members of the civil service. The Government fully intended to ensure that the elections were fair.

59. Panama fully supported the recommendation of the Vienna Conference regarding the creation of the post of High Commissioner for Human Rights, as well as the establishment of a working group to define the High Commissioner's terms of reference.

60. Lastly, her delegation felt obliged to restate its position regarding the principle of national sovereignty. Under international law it was inadmissible to invoke the concept of sovereignty and the noble principle of self-determination in order to prevent peoples from living in freedom and democracy. The former Minister for Foreign Affairs of Panama, who had died in office during the current session of the General Assembly, rightly believed that the peoples of Latin America had not wrenched their sovereignty out of the hands of tyrants only for it to become an instrument of submission.

61. Mr. SHIDO (Sudan), speaking on agenda item 114 (c), said that the interim report of the Special Rapporteur on the situation of human rights in the Sudan (A/48/601) and the Special Rapporteur's introductory statement on that question to the Third Committee contained some disturbing details and conclusions.

62. In paragraph 98 of the interim report, the Special Rapporteur said he had no hesitation to conclude that grave violations of human rights had taken place in the Sudan, yet he offered no credible proof to support such a serious charge; a reading of the report made it perfectly clear that he had taken a biased and selective approach. Under the terms of Commission on Human Rights resolution 1993/60 of 10 March 1993, the mandate of the Special Rapporteur covered human

(Mr. Shido, Sudan)

rights abuses committed by all parties involved in the armed conflict ravaging the country. Throughout the interim report, however, the Special Rapporteur had concentrated on allegations levelled against the Government because the circumstances of the September mission had not been appropriate for a thorough investigation of reports on violations of human rights by different factions of the Sudanese People's Liberation Army (SPLA) in southern Sudan, although several reliable reports and information had already been gathered in that respect.

63. It was the Special Rapporteur who had chosen, for reasons the report did not explain, to undertake two missions: one in September 1993, so that he could prepare an interim report which would provide the basis for discussion in the Third Committee, and another at the end of 1993, so that he could prepare a final report for submission to the Commission on Human Rights in February 1994. One might legitimately wonder, then, why he had not undertaken his first mission at a time when he could have made inquiries in zones controlled by both parties to the conflict, which would have allowed him to present a comprehensive and balanced report to the Committee, what kind of information he had "already gathered" and who had provided it, and whether the Special Rapporteur had been in a position to determine whether or not violations had been committee by SPLA factions in zones under their control.

64. Even more disturbing was the Special Rapporteur's statement in paragraph 7 of the report that he would also address human rights abuses committed by parties other than the Government of the Sudan, although it was clear that the Government of the Sudan, claiming sovereignty over the whole territory of the State, was bound to respect its human rights obligations and was to be held responsible should it not abide by those obligations. That statement reflected an astounding lack of objectivity since, by seeking simply to re-establish sovereignty over all of its territory, the Government of the Sudan was being held responsible for crimes committed by others.

65. Other parts of the report also gave rise to question. For example, one could only speculate as to why the Special Rapporteur had focused his attention on violations occurring after 30 June 1989, the date on which the current Government had come to power. Likewise, it was astonishing that the Special Rapporteur had failed completely to take into account the spirit of cooperation shown by the Government of Sudan in receiving numerous United Nations officials sent to investigate the situation in the Sudan as well as the European Community troika and other senior officials and political leaders from Europe, and by agreeing to the appointment of Mr. Bíró as Special Rapporteur on just one week's notice and by cooperating fully with him in his work. It was equally astonishing that the Special Rapporteur had completely ignored the fact that the Sudan had acceded to many international and regional human rights instruments and had incorporated a number of their provisions in its legislation, focusing instead on individual cases brought to his attention by allegedly "reliable sources".

66. With respect to one of those cases, specifically, the case of Kamal Mekki Medani and his friends who had been charged with drinking alcohol, the report alleged that their trial had been unfair. That allegation was

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completely groundless, however, since the men had been defended by 20 lawyers and, while some had been convicted, 10 others had been acquitted. In fact, their trial had been declared unfair simply because three of the accused were brothers of one of the Special Rapporteur's "reliable sources". With regard to the retired Brigadier Mohammed Ahmed Al-Rayah, under arrest since 20 August 1991, the Special Rapporteur had made a special trip from Khartoum to Port Sudan, at great cost in terms of both time and money, simply to satisfy his urge to pursue allegations by elements hostile to the Government, even though the situation was quite clear: the Brigadier had been sentenced and an investigation was under way to determine the facts in the case. The case of the so-called "street-children", which the Special Rapporteur used to substantiate allegations of unlawful detention and forced displacement, reflected the same penchant for systematic defamation. In fact, the "street-children" in question were children who had been abandoned or orphaned as a result of the drought of 1982-1983 and the famine in subsequent years and who had become wards of the Government under the Juvenile Welfare Act. That Act did not in the least emphasize the arrest or arbitrary detention of those children, but sought only to provide for their welfare. The Special Rapporteur's insinuation that, since it was not dated, the law had been passed for the occasion of his visit was, therefore, particularly odious and simply proved that even humanitarian measures could be slandered.

67. The analysis of the situation in the Nuba Mountains, to which the Special Rapporteur had devoted a large section of his interim report, merited particular attention. The conflicts taking place in the region had nothing to do with the current Government's introduction of Shariah Law, as the Special Rapporteur alleged; rather, they were the result of a struggle between political parties under the previous regime who were receiving material support and financing from neighbouring States. The conflicts had intensified since 1985, when SPLA had made an incursion into the region and had sought to prevent the Government from pacifying the area.

68. During his visit to the Dilling-Kadugli area, the Special Rapporteur had striven mightily to find evidence of abuses by the Government and the Popular Defence Forces (PDF) but had failed to establish SPLA responsibility for attacks on civilians, which ought to have been a simple matter, as there had been many witnesses. Moreover, he cast doubt on the legitimacy and reliability of such organizations as the Peace and Resettlement Administration for Southern Kordofan, referring to it as the so-called "Peace Group", and by disregarding information supplied by that body concerning the destruction of the region's social and economic infrastructure.

69. The report went on to describe the movement of Nuba communities from insecure areas to centres under government control as the result of a process of government-organized "uprooting", or, in other words, "ethnic cleansing". Yet the Special Rapporteur had been aware, Nuba Chiefs had told him so, that all the atrocities and abuses committed in 1992 in the Kadugli zone had been committed by SPLA, and he had a list of the victims in his possession. Not surprisingly, however, he gave credence only to information passed along to him by opposition groups, which he considered to be "independent sources", and was content to

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leave the question of violence by SPLA factions for discussion in his final report.

70. Similarly, with respect to the extrajudicial killings and summary executions of which he accused the Government of the Sudan, the Special Rapporteur had not been convinced by the information he had received from the Sudanese judicial administration and had preferred to concentrate his investigation on the events that had taken place during and after the SPLA attack on Juba in June and July 1992. There again, his version of the facts bore no relationship to reality.

71. The attack on Juba had followed infiltration of the region by SPLA elements in civilian clothing. After heavy fighting, the infiltrators had been driven out by the government forces, which had arrested a number of them. Among those arrested and tried had been two employees of the United States Agency for International Development (USAID). One had disappeared, and the other, a Sudanese national, had been convicted and sentenced to death by a competent court because he had used the communications equipment available to him to assist SPLA in bombarding the city. Those were the facts, but they failed to convince the Special Rapporteur, who called the execution of the Sudanese national, who was guilty of treason, a summary execution. In addition, in response to a request from the United States Government, which wished to know whether USAID premises and equipment had in fact been used during the rebel attack on Juba and which was incensed by the execution of a USAID employee, the Government of the Sudan had ordered a judicial inquiry into the trial of that employee. The commission of inquiry was presided over by a High Court judge. Its report would be distributed to interested Governments and organizations.

72. Furthermore, the Special Rapporteur's report made two serious accusations against the Government of the Sudan: it portrayed the Government's military operations as indiscriminate and deliberate aerial bombardments of civilian targets by government forces; and it characterized the transportation by rail of relief civil supplies between Babanusa and Wau under Popular Defence Forces and army guard as forays by the forces in question to kill, loot and destroy. Where the second accusation was concerned, the Special Rapporteur had not bothered to find out why it had been necessary for soldiers to accompany the train. The explanation was quite simple, however. Because the railway tracks between Babanusa and Wau went through rebel territory, it had been necessary to form a convoy.

73. With respect to the Special Rapporteur's concern about conditions in the Omdurman women's prison, it should be noted that the Minister of the Interior had allocated 4 million Sudanese pounds to improve living conditions for the women and their children. As to the four women arrested on 23 September 1993, he had already explained to the Special Rapporteur during his stay at Khartoum that those women and the 27 other people in question had been arrested because they had broken the law on peace and order in attempting to see him. All the people concerned had since been released, and no one who had met with the Special Rapporteur during his visit to the Sudan had been harassed.

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74. In view of the foregoing, he suggested that the Committee should refrain from taking any action regarding the Sudan that might prejudice the deliberations of the Commission on Human Rights and that, furthermore, it should perhaps direct the Special Rapporteur to show equity and objectivity, avoid sweeping conclusions and present a balanced final report.

75. In his introductory statement, the Special Rapporteur had referred to the armed conflict in the south and centre of the Sudan and had urged the parties to the conflict to cease all hostilities immediately, ensure that the population was not in need and intensify efforts to settle their dispute peacefully. That was exactly what the Government of the Sudan was seeking to do, with the assistance of the Nigerian Government and the Governments of the member countries of the Intergovernmental Authority for Drought and Development (IGADD).

76. Any violations committed in the Sudan were a by-product of the armed conflict between the government forces and SPLA. Any negative action against the Sudan might impede the peace efforts. The international community should help the two parties resolve their conflict rather than adopt resolutions whose sole effect would be to encourage an escalation in the violence. He hoped that his appeal would receive the Committee's support.

77. Mr. TELLO (Mexico), speaking under agenda item 114, referred to the global upsurge in violence, racism and xenophobia, with the resulting armed conflicts, as well as the persistence of unacceptable economic and social conditions in various regions. Against that backdrop, the Vienna Conference had represented a veritable challenge. The task of the Conference had been to strengthen the will of the members of the international community to work together to promote and protect all human rights in accordance with the provisions of the United Nations Charter. That will to cooperate had been demonstrated first and foremost by the attendance at the Conference of a large number of non-governmental organizations from all parts of the world. For Mexico, the Vienna Conference had been an opportunity to reaffirm the importance it had attached since independence to the defence of fundamental human rights.

78. Through the important work of the Commission on Human Rights, the international community had established a broad legal framework in the field of human rights and was able to deal with emergency situations by convening special sessions of the Commission. That was evidence of Member States' concern for effective action on human rights. However, in view of what might be termed the almost chaotic proliferation of human rights activities, the need to avoid duplication must be emphasized. The proposal to establish a post of United Nations High Commissioner for Human Rights took on particular importance in that context. His delegation had been quick to express its support for the establishment of a working group to examine that proposal and was taking an active part in its work. The spirit of cooperation within the group should facilitate a consensus on the question. His delegation would continue to participate constructively in defining the mandate of the High Commissioner, which should be based on the commitments set forth in the Vienna Declaration and Programme of Action. In Mexico's view, the High Commissioner should maintain

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close ties with the competent bodies, particularly the Commission on Human Rights, and should be able to respond to emergency situations.

79. His delegation attached great importance to the activities of the Commission's working group on the right to development because development was indissociable from human rights in general and democracy. It attached equal importance to the World Conference's emphasis on the promotion and protection of the rights of the so-called vulnerable groups, particularly women. It also supported the Conference's recommendation to proclaim an international decade of the world's indigenous peoples in order to continue the work begun in 1993 during the International Year of the World's Indigenous Peoples. The initiative of proclaiming such a decade should come from the indigenous peoples themselves in order to ensure their participation in the development of the countries where they lived while at the same time safeguarding their unique identity and character.

80. The question of migrant workers and their families also occupied an important place in the Vienna Declaration and Programme of Action. As in previous years, his delegation planned to submit a draft resolution on that issue in the Committee.

81. In adopting the Universal Declaration of Human Rights 45 years earlier, the international community had set for itself the goal of enabling each individual to exercise his inherent rights as a human being in a world free from human rights violations. That common goal remained elusive and could only be attained through international cooperation.

82. Mr. SABOIA (Brazil), speaking on agenda item 114, said that the observance of human rights was being threatened, particularly in developing countries, by the effects of economic crisis, foreign debt and economic adjustment policies, and also by ethnic strife. In the developed countries, new forms of racism and xenophobia had emerged, the most abhorrent of which was known as "ethnic cleansing". It was against that background that the Committee would have to adopt its decisions, taking into consideration, needless to say, the results of the World Conference on Human Rights. That Conference, at which Brazil had chaired one of the main bodies, the Drafting Committee, had afforded a unique opportunity to take stock of United Nations accomplishments in the field of human rights and to evaluate the functioning of the international human rights machinery. The innovative Programme of Action which the Conference had adopted covered a wide spectrum of issues ranging from the right to development to the establishment of a United Nations High Commissioner for Human Rights. His delegation was pleased that the right to development had been recognized as a universal and inalienable human right and an integral part of fundamental human rights. Brazil strongly supported those principles. The Conference had also taken steps with the aim of increasing the coordination of the activities of United Nations human rights bodies and had recommended that the human and financial resources made available to the Centre for Human Rights should be substantially increased. His delegation supported the Conference's recommendation that the human rights of women should be integrated into the mainstream of United Nations activities and that an international decade of the

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world's indigenous peoples should be proclaimed in 1994. One of the most important decisions adopted at Vienna had been that of recommending the establishment of a post of United Nations High Commissioner for Human Rights. His delegation had supported the creation of an open-ended working group to consider the matter and hoped that the group would be able to define an adequate mandate for the High Commissioner. It believed that it was vital that the High Commissioner should act in an impartial, objective and apolitical manner. The role of the High Commissioner should be not only to investigate situations of human rights violations but also to enhance international cooperation in the field of human rights.

83. His delegation was pleased that the World Conference had given unanimous support to the Brazilian initiative on the strengthening of the rule of law, which had already been endorsed by the Commission on Human Rights in resolutions 1992/51 and 1993/50. Recognizing the need to help Governments in that field, the Conference had recommended that a comprehensive programme, coordinated by the Centre for Human Rights, should be established in order to help States acquire the necessary means to facilitate the overall observance of human rights and the maintenance of the rule of law. The programme envisaged in paragraph 69 and 70 of the Vienna Programme of Action was intended to provide technical and financial assistance to Governments which so requested in order to help them reform their penal and correctional establishments, provide human rights training to all those responsible for law enforcement and, in general, ensure the proper functioning of the rule of law. That programme would make it possible to expand the scope of international cooperation in the field of human rights. His delegation hoped that the Secretary-General would submit concrete proposals as soon as possible for the establishment, functioning and funding of such a programme in order to enable the General Assembly and its subsidiary bodies to take action.

84. In conclusion, his delegation hoped that, by creating new forms of cooperation, the international community would be able to tackle the root causes of human rights violations, particularly in developing countries where poverty and marginalization often engendered acts of violence and other human rights problems.

85. Mrs. FENG Cui (China), speaking in exercise of the right of reply, said that, in their statements on agenda items 114 (b) and (c), the representatives of the United States of America, the European Union and Sweden had made unacceptable attacks against China with the clear intention of using the question of human rights for political purposes. Those attacks had been based on distorted information from highly dubious sources. They did not take into account the fact that China, the largest developing country of the world, had succeeded in feeding 22 per cent of the world's population. Any reasonable person could acknowledge the enormous progress achieved in China over the past 15 years. That progress was reflected in political stability, social order and economic development. Those were results which had not been achieved easily. However, for the delegations she had mentioned, "stability" could only mean "repression" and if order prevailed in society, that could only be to the

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detriment of freedom of expression and other rights. Those delegations would no doubt prefer it if chaos broke out in a country with over one billion inhabitants, with all the consequences that would result for that region of the world.

86. The representatives of the United States of America, the European Union and Sweden seemed to be particularly concerned about the fate of certain elements who had disturbed the public order. She noted that when people endangered public order, they had to be dealt with for what they were, in accordance with national law. In China, capital punishment was still in force, although its application was limited to very specific cases. Moreover, the situation of a country with over one billion inhabitants could not be compared with that of other countries with only a few million inhabitants. Her delegation could not accept criticism of China's judicial system, which was operating in a totally independent and impartial manner.

87. The United States delegation had attacked the Chinese policy on family planning. China had indeed adopted the principle of "one couple, one child", and that was in the interests, not only of the Chinese population, but also of all the peoples of the world. That policy was based on persuasion and not on coercion.

88. Lastly, three delegations had referred to the false question of human rights in Tibet. She wished to note that Tibet was an autonomous region of China and an inseparable part of China. The Tibetans, like other Chinese people, enjoyed all civil, social and cultural rights.

89. After the World Conference, it was to be hoped that certain countries would stop interfering in the internal affairs of other countries, because that mode of operation was totally contrary to the spirit of the Conference. She wished to stress that respect for national sovereignty was an absolute principle.

The meeting rose at 1.20 p.m.